

**UNOFFICIAL VERSION**

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**FRIDAY, APRIL 27, 2012**

**SEVENTY-NINTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Senator Yager.

**PLEDGE OF ALLEGIANCE**

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1325 with amendments, 2128 with amendment, 2606, 3170 with amendment, 3520 with amendment, 3745 with amendment and 3770; and Senate Joint Resolution No. 920 with amendment.

MCNALLY, Chairperson  
April 26, 2012

The Speaker announced that he had referred Senate Bills Nos. 1325 with amendments, 2128 with amendment, 2606, 3170 with amendment, 3520 with amendment, 3745 with amendment and 3770; and Senate Joint Resolution No. 920 with amendment to the Committee on Calendar.

**ENERGY AND ENVIRONMENT**

MR. SPEAKER: Your Committee on Energy and Environment begs leave to report that we have carefully considered and recommend for passage: House Joint Resolution No. 807

SOUTHERLAND, Chairperson  
April 27, 2012

## FRIDAY, APRIL 27, 2012 -- 79TH LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 807 to the Committee on Calendar.

### STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Resolution No. 133 with amendment; and Senate Joint Resolution No. 904 with amendment.

YAGER, Chairperson  
April 27, 2012

The Speaker announced that he had referred Senate Resolution No. 133 with amendment; and Senate Joint Resolution No. 904 with amendment to the Committee on Calendar.

### MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 3119, 3604, 3659, 3673 and 3874** be passed on first consideration, which motion prevailed.

### HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 3119** -- Alcoholic Beverages -- As introduced, reduces from four to three the number of cabins that Buffalo River Resort must have in order to qualify as a premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. Amends TCA Section 57-4-102.

**House Bill No. 3604** -- Taxes, Litigation -- As introduced, imposes additional \$2.00 litigation tax on criminal charges instituted in general sessions court; creates judicial commissioner continuing education account; subject to appropriation, authorizes monies in fund to be utilized for development and presentation of continuing education programs. Amends TCA Section 40-1-111 and Title 67, Chapter 4, Part 6.

**House Bill No. 3659** -- Consumer Protection -- As introduced, allows the Commissioner of Commerce and Insurance to provide, upon request, a list of acceptable corporate sureties from whom a health club may obtain the required surety bond. Amends TCA Title 47, Chapter 18.

**House Bill No. 3673** -- Victims' Rights -- As introduced, increases from \$1.00 to \$4.00, effective July 1, 2012, the litigation tax collected for deposit in the statewide automated victim information and notification system fund. Amends TCA Title 40, Chapter 38 and Title 67, Chapter 4, Part 6.

**House Bill No. 3874** -- Taxes, Hotel / Motel -- As introduced, subject to local approval, creates Tourism Board for Blount County, Alcoa and Maryville and allocates portion of the Blount County occupancy tax to such board. Amends Chapter 102 of the Private Acts of 1979; as amended.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **Senate Resolutions Nos. 136 and 137** be passed on first consideration and lie over, which motion prevailed.

**INTRODUCTION OF RESOLUTIONS**

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Resolution No. 136** by Mr. Speaker Ramsey.  
Memorials, Academic Achievement -- Tiffany N. Kaschel, 2011-2012 Outstanding Student Award in Public Management.

**Senate Resolution No. 137** by Senator Southerland.  
Memorials, Interns -- Hannah Ramey.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 816, 1061, 1067 through 1092, 1094 through 1108, 1111 through 1113 and 1115 through 1140; Senate Joint Resolutions Nos. 910, 912, 913 and 915 through 918; and Senate Resolutions Nos. 134 and 135** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 816** -- Naming and Designating -- Designates an official Tennessee War of 1812 Bicentennial Commission.

The Speaker announced that he had referred House Joint Resolution No. 816 to the Committee on Finance, Ways and Means.

**House Joint Resolution No. 1061** -- Memorials, Recognition -- Recognizes NAIA Womens Golf National Championship Days.

The Speaker announced that he had referred House Joint Resolution No. 1061 to the Committee on Finance, Ways and Means.

**House Joint Resolution No. 1067** -- Memorials, Recognition -- Hales Community Ruritan, 30th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1067 to the Committee on Calendar.

**House Joint Resolution No. 1068** -- Memorials, Interns -- Rita Jorgensen.

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The Speaker announced that he had referred House Joint Resolution No. 1068 to the Committee on Calendar.

**House Joint Resolution No. 1069** -- Memorials, Interns -- Breanna Pendilton.

The Speaker announced that he had referred House Joint Resolution No. 1069 to the Committee on Calendar.

**House Joint Resolution No. 1070** -- Memorials, Recognition -- Nashville International Airport, 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1070 to the Committee on Calendar.

**House Joint Resolution No. 1071** -- Memorials, Death -- Evert Jarrett.

The Speaker announced that he had referred House Joint Resolution No. 1071 to the Committee on Calendar.

**House Joint Resolution No. 1072** -- Memorials, Recognition -- *Undefeated*, 2012 Academy Award for Best Documentary Feature.

The Speaker announced that he had referred House Joint Resolution No. 1072 to the Committee on Calendar.

**House Joint Resolution No. 1073** -- Memorials, Sports -- Bethel University Roller Hockey Team, National Champions.

The Speaker announced that he had referred House Joint Resolution No. 1073 to the Committee on Calendar.

**House Joint Resolution No. 1074** -- Memorials, Academic Achievement -- Joshua Morgan Bland, Valedictorian, Portland High School.

The Speaker announced that he had referred House Joint Resolution No. 1074 to the Committee on Calendar.

**House Joint Resolution No. 1075** -- Memorials, Recognition -- Larry Collins.

The Speaker announced that he had referred House Joint Resolution No. 1075 to the Committee on Calendar.

**House Joint Resolution No. 1076** -- Memorials, Academic Achievement -- Nicklaus Wade Curtis, Salutatorian, Portland High School.

The Speaker announced that he had referred House Joint Resolution No. 1076 to the Committee on Calendar.

**House Joint Resolution No. 1077** -- Memorials, Academic Achievement -- Rebekah Eryn Meyer, Salutatorian, Portland High School.

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The Speaker announced that he had referred House Joint Resolution No. 1077 to the Committee on Calendar.

**House Joint Resolution No. 1078** -- Memorials, Academic Achievement -- Jared Michael Rhoades, Salutatorian, White House High School.

The Speaker announced that he had referred House Joint Resolution No. 1078 to the Committee on Calendar.

**House Joint Resolution No. 1079** -- Memorials, Academic Achievement -- Cameron Rhoades, Salutatorian, White House High School.

The Speaker announced that he had referred House Joint Resolution No. 1079 to the Committee on Calendar.

**House Joint Resolution No. 1080** -- Memorials, Academic Achievement -- Tanner Lucas Nelson, Valedictorian, Portland High School.

The Speaker announced that he had referred House Joint Resolution No. 1080 to the Committee on Calendar.

**House Joint Resolution No. 1081** -- Memorials, Interns -- Parker Thomas Brown.

The Speaker announced that he had referred House Joint Resolution No. 1081 to the Committee on Calendar.

**House Joint Resolution No. 1082** -- Memorials, Recognition -- Paul Morris.

The Speaker announced that he had referred House Joint Resolution No. 1082 to the Committee on Calendar.

**House Joint Resolution No. 1083** -- Memorials, Recognition -- Velma Lois Jones.

The Speaker announced that he had referred House Joint Resolution No. 1083 to the Committee on Calendar.

**House Joint Resolution No. 1084** -- Memorials, Public Service -- Dr. Chandra Reddy.

The Speaker announced that he had referred House Joint Resolution No. 1084 to the Committee on Calendar.

**House Joint Resolution No. 1085** -- Memorials, Recognition -- Dr. Kriner Cash, Memphis City Schools.

The Speaker announced that he had referred House Joint Resolution No. 1085 to the Committee on Calendar.

**House Joint Resolution No. 1086** -- Memorials, Academic Achievement -- Diana Lockett, Salutatorian, Carver High School.

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The Speaker announced that he had referred House Joint Resolution No. 1086 to the Committee on Calendar.

**House Joint Resolution No. 1087** -- Memorials, Academic Achievement -- Pierra Johnson, Valedictorian, Carver High School.

The Speaker announced that he had referred House Joint Resolution No. 1087 to the Committee on Calendar.

**House Joint Resolution No. 1088** -- Memorials, Academic Achievement -- Stephanie Jordan, Salutatorian, Mitchell High School.

The Speaker announced that he had referred House Joint Resolution No. 1088 to the Committee on Calendar.

**House Joint Resolution No. 1089** -- Memorials, Academic Achievement -- Alexis Harper, Valedictorian, Mitchell High School.

The Speaker announced that he had referred House Joint Resolution No. 1089 to the Committee on Calendar.

**House Joint Resolution No. 1090** -- Memorials, Academic Achievement -- Kelsey Anne Perry, Salutatorian, Millington Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1090 to the Committee on Calendar.

**House Joint Resolution No. 1091** -- Memorials, Academic Achievement -- Sara Marie Baltensperger, Valedictorian, Millington Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1091 to the Committee on Calendar.

**House Joint Resolution No. 1092** -- Memorials, Death -- William Thomas McCarter.

The Speaker announced that he had referred House Joint Resolution No. 1092 to the Committee on Calendar.

**House Joint Resolution No. 1094** -- Memorials, Academic Achievement -- Jada Bowie, Valedictorian, Wooddale High School.

The Speaker announced that he had referred House Joint Resolution No. 1094 to the Committee on Calendar.

**House Joint Resolution No. 1095** -- Memorials, Academic Achievement -- Courtney Bratcher, Salutatorian, Oakhaven High School.

The Speaker announced that he had referred House Joint Resolution No. 1095 to the Committee on Calendar.

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**House Joint Resolution No. 1096** -- Memorials, Academic Achievement -- Kimberly McGowan, Salutatorian, Wooddale High School.

The Speaker announced that he had referred House Joint Resolution No. 1096 to the Committee on Calendar.

**House Joint Resolution No. 1097** -- Memorials, Academic Achievement -- Leonides Flores, Valedictorian, Oakhaven High School.

The Speaker announced that he had referred House Joint Resolution No. 1097 to the Committee on Calendar.

**House Joint Resolution No. 1098** -- Memorials, Recognition -- Southside High Class of 75 Reunion, Labor Day Weekend, 2012.

The Speaker announced that he had referred House Joint Resolution No. 1098 to the Committee on Calendar.

**House Joint Resolution No. 1099** -- Memorials, Academic Achievement -- Houston Noah Daniel, Salutatorian, Dickson County High School.

The Speaker announced that he had referred House Joint Resolution No. 1099 to the Committee on Calendar.

**House Joint Resolution No. 1100** -- Memorials, Academic Achievement -- Dalton Turner, Valedictorian, Dickson County High School.

The Speaker announced that he had referred House Joint Resolution No. 1100 to the Committee on Calendar.

**House Joint Resolution No. 1101** -- Memorials, Interns -- Christopher Kandt.

The Speaker announced that he had referred House Joint Resolution No. 1101 to the Committee on Calendar.

**House Joint Resolution No. 1102** -- Memorials, Interns -- Amanda Daniel.

The Speaker announced that he had referred House Joint Resolution No. 1102 to the Committee on Calendar.

**House Joint Resolution No. 1103** -- Memorials, Recognition -- Logan Chase Gann, "Every Drop Counts" Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 1103 to the Committee on Calendar.

**House Joint Resolution No. 1104** -- Memorials, Recognition -- Sterling Francis, Jr., "Every Drop Counts" Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 1104 to the Committee on Calendar.

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**House Joint Resolution No. 1105** -- Memorials, Recognition -- Jessica Lancaster, Every Drop Counts Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 1105 to the Committee on Calendar.

**House Joint Resolution No. 1106** -- Memorials, Recognition -- Hannah Peek, Every Drop Counts Scholarship.

The Speaker announced that he had referred House Joint Resolution No. 1106 to the Committee on Calendar.

**House Joint Resolution No. 1107** -- Memorials, Recognition -- Natalie Newbill, Miss Black Tennessee.

The Speaker announced that he had referred House Joint Resolution No. 1107 to the Committee on Calendar.

**House Joint Resolution No. 1108** -- Memorials, Interns -- Melinda Ann Smartt.

The Speaker announced that he had referred House Joint Resolution No. 1108 to the Committee on Calendar.

**House Joint Resolution No. 1111** -- Memorials, Personal Occasion -- Bill and Loretta Winstead, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 1111 to the Committee on Calendar.

**House Joint Resolution No. 1112** -- Memorials, Academic Achievement -- Joshua Butler, Valedictorian, Austin-East High School.

The Speaker announced that he had referred House Joint Resolution No. 1112 to the Committee on Calendar.

**House Joint Resolution No. 1113** -- Memorials, Academic Achievement -- Caleb Brothers, Salutatorian, Austin-East High School.

The Speaker announced that he had referred House Joint Resolution No. 1113 to the Committee on Calendar.

**House Joint Resolution No. 1115** -- Memorials, Retirement -- Mary Frances Warren.

The Speaker announced that he had referred House Joint Resolution No. 1115 to the Committee on Calendar.

**House Joint Resolution No. 1116** -- Memorials, Public Service -- Robert D. Martin.

The Speaker announced that he had referred House Joint Resolution No. 1116 to the Committee on Calendar.



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**House Joint Resolution No. 1117** -- Memorials, Recognition -- "Little Richard" Penniman.

The Speaker announced that he had referred House Joint Resolution No. 1117 to the Committee on Calendar.

**House Joint Resolution No. 1118** -- Memorials, Academic Achievement -- Kara Skjoldager, Valedictorian, Memphis Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1118 to the Committee on Calendar.

**House Joint Resolution No. 1119** -- Memorials, Academic Achievement -- Elizabeth Forester, Co-Salutatorian, Memphis Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1119 to the Committee on Calendar.

**House Joint Resolution No. 1120** -- Memorials, Academic Achievement -- Jordaan McGill, Co-Salutatorian, Memphis Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1120 to the Committee on Calendar.

**House Joint Resolution No. 1121** -- Memorials, Academic Achievement -- Keshane Hong Gan, Valedictorian, White Station High School.

The Speaker announced that he had referred House Joint Resolution No. 1121 to the Committee on Calendar.

**House Joint Resolution No. 1122** -- Memorials, Academic Achievement -- Tejasvi Krishna Dasari, Salutatorian, White Station High School.

The Speaker announced that he had referred House Joint Resolution No. 1122 to the Committee on Calendar.

**House Joint Resolution No. 1123** -- Memorials, Academic Achievement -- Natasha Mehra, Salutatorian, White Station High School.

The Speaker announced that he had referred House Joint Resolution No. 1123 to the Committee on Calendar.

**House Joint Resolution No. 1124** -- Memorials, Academic Achievement -- Eva Motley, Salutatorian, Memphis Health Careers Academy.

The Speaker announced that he had referred House Joint Resolution No. 1124 to the Committee on Calendar.

**House Joint Resolution No. 1125** -- Memorials, Academic Achievement -- Amber Carpenter, Valedictorian, Memphis Health Careers Academy.

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The Speaker announced that he had referred House Joint Resolution No. 1125 to the Committee on Calendar.

**House Joint Resolution No. 1126** -- Memorials, Academic Achievement -- Christian Jones, Valedictorian, Melrose High School.

The Speaker announced that he had referred House Joint Resolution No. 1126 to the Committee on Calendar.

**House Joint Resolution No. 1127** -- Memorials, Academic Achievement -- Johnterrious Hall, Salutatorian, Melrose High School.

The Speaker announced that he had referred House Joint Resolution No. 1127 to the Committee on Calendar.

**House Joint Resolution No. 1128** -- Memorials, Academic Achievement -- Tieranny Woods, Valedictorian, Overton High School.

The Speaker announced that he had referred House Joint Resolution No. 1128 to the Committee on Calendar.

**House Joint Resolution No. 1129** -- Memorials, Academic Achievement -- Kya Jones, Salutatorian, Overton High School.

The Speaker announced that he had referred House Joint Resolution No. 1129 to the Committee on Calendar.

**House Joint Resolution No. 1130** -- Memorials, Public Service -- Reta Adams.

The Speaker announced that he had referred House Joint Resolution No. 1130 to the Committee on Calendar.

**House Joint Resolution No. 1131** -- Memorials, Academic Achievement -- Brandon William Morse, Valedictorian, Dayspring Academy.

The Speaker announced that he had referred House Joint Resolution No. 1131 to the Committee on Calendar.

**House Joint Resolution No. 1132** -- Memorials, Academic Achievement -- Micaela Leigh Flanders, Salutatorian, Dayspring Academy.

The Speaker announced that he had referred House Joint Resolution No. 1132 to the Committee on Calendar.

**House Joint Resolution No. 1133** -- Memorials, Recognition -- Honors participants of Pro-Life Oratory Contest for Tennessee High School Students.

The Speaker announced that he had referred House Joint Resolution No. 1133 to the Committee on Calendar.

**House Joint Resolution No. 1134** -- Memorials, Recognition -- Saj Crone.

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The Speaker announced that he had referred House Joint Resolution No. 1134 to the Committee on Calendar.

**House Joint Resolution No. 1135** -- Memorials, Academic Achievement -- Breanna Glenn, Salutatorian, Howard School of Academics and Technology.

The Speaker announced that he had referred House Joint Resolution No. 1135 to the Committee on Calendar.

**House Joint Resolution No. 1136** -- Memorials, Academic Achievement -- Morgan Howard, Valedictorian, Notre Dame High School.

The Speaker announced that he had referred House Joint Resolution No. 1136 to the Committee on Calendar.

**House Joint Resolution No. 1137** -- Memorials, Personal Achievement -- Cory Phillips, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 1137 to the Committee on Calendar.

**House Joint Resolution No. 1138** -- Memorials, Academic Achievement -- Patrick Ward, Salutatorian, Notre Dame High School.

The Speaker announced that he had referred House Joint Resolution No. 1138 to the Committee on Calendar.

**House Joint Resolution No. 1139** -- Memorials, Public Service -- Tennessee Rehabilitation Center and its newest graduates.

The Speaker announced that he had referred House Joint Resolution No. 1139 to the Committee on Calendar.

**House Joint Resolution No. 1140** -- Memorials, Public Service -- Hamilton County Drug Court and its graduates.

The Speaker announced that he had referred House Joint Resolution No. 1140 to the Committee on Calendar.

**Senate Joint Resolution No. 910** -- Memorials, Sports -- Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl Football State Champion.

The Speaker announced that he had referred Senate Joint Resolution No. 910 to the Committee on Calendar.

**Senate Joint Resolution No. 912** -- Memorials, Interns -- Chelsea Rose.

The Speaker announced that he had referred Senate Joint Resolution No. 912 to the Committee on Calendar.

**Senate Joint Resolution No. 913** -- Memorials, Interns -- Tiffany N. Kaschel.

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The Speaker announced that he had referred Senate Joint Resolution No. 913 to the Committee on Calendar.

**Senate Joint Resolution No. 915** -- Memorials, Recognition -- Springfield Middle School, 2011 National Blue Ribbon School.

The Speaker announced that he had referred Senate Joint Resolution No. 915 to the Committee on Calendar.

**Senate Joint Resolution No. 916** -- Memorials, Academic Achievement -- Ethan Bryant Fields, Salutatorian, Hendersonville Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 916 to the Committee on Calendar.

**Senate Joint Resolution No. 917** -- Memorials, Academic Achievement -- Polly Jean Suzanne Gregory, Valedictorian, Hendersonville Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 917 to the Committee on Calendar.

**Senate Joint Resolution No. 918** -- Memorials, Interns -- Nicollette N. Davis.

The Speaker announced that he had referred Senate Joint Resolution No. 918 to the Committee on Calendar.

**Senate Resolution No. 134** -- Memorials, Interns -- Julianna Marie Deyo.

The Speaker announced that he had referred Senate Resolution No. 134 to the Committee on Calendar.

**Senate Resolution No. 135** -- Memorials, Recognition -- International Storytelling Center.

The Speaker announced that he had referred Senate Resolution No. 135 to the Committee on Calendar.

**MOTION**

Senator Henry moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1107**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 1107** -- Memorials, Recognition -- Natalie Newbill, Miss Black Tennessee.

On motion of Senator Henry, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1107** was concurred in.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2908, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2788, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 26, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1197. The House lifted the tabling motion, reconsidered Senate Bill No. 1197, adopted Amendment No. 2 and repassed Senate Bill No. 1197, as amended, on third and final consideration.

JOE MCCORD,  
Chief Clerk.

**REPORT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE REPORT ON  
HOUSE BILL NO. 1105/SENATE BILL NO. 1923**

The report was received and filed with the Clerk.

**CALENDAR NO. 1**

Senator Norris moved that **Senate Bill No. 3762** be placed behind **Senate Bill No. 3769**, which motion prevailed.

Senator Norris moved that **Senate Bill No. 3763** be placed behind **Senate Bill No. 3762**, which motion prevailed.

**Senate Bill No. 3768** -- Appropriations -- As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012.

Senator Overbey declared Rule 13 on **Senate Bill No. 3768**.

On motion, Senate Bill No. 3768 was made to conform with **House Bill No. 3835**.

On motion, House Bill No. 3835, on same subject, was substituted for Senate Bill No. 3768.

Senator Kyle moved that Amendment No. 1 be placed behind Amendment No. 7, which motion prevailed.

Senator Kyle moved that Amendment No. 2 be placed behind Amendment No. 1, which motion prevailed.

Senator Stewart moved that Amendment No. 3 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved that Amendment No. 4 be placed behind Amendment No. 18, which motion prevailed.

Senator McNally moved that Amendment No. 5 be placed behind Amendment No. 4, which motion prevailed.

Senator McNally moved that Amendment No. 6 be placed behind Amendment No. 5, which motion prevailed.

Senator Norris moved that Amendment No. 7 be placed behind Amendment No. 6, which motion prevailed.

Mr. Speaker Ramsey moved that Amendment No. 18 be considered next, out of order, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 18**

AMEND by deleting Section 1, Title III-22, Line Item 32, of the printed bill in its entirety.

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_. The capital budget project, Shelby Farms Park Conservancy, to be funded in the amount of \$5,000,000 from the Department of General Services appropriation in Section 1, Title III-32 of this act and listed on page A-144 of the 2012-2013 Budget Document is deleted.

Item \_\_. The capital budget project, West Tennessee Mega-site Site Development, to be funded in the amount of \$12,540,000 (of which amount \$11,000,000 is non-recurring) from the Department of Economic and Community Development appropriation in Section 1, Title III-32 of this act and listed on page A-144 of the 2012-2013 Budget Document is deleted.

Item \_\_. The capital maintenance project, National Civil Rights Museum, to be funded in the amount of \$300,000 (non-recurring) from the Department of General Services appropriation in Section 1, Title III-32 of this act and listed on page A-160 of the 2012-2013 Budget Document is deleted.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting Line Item 3 in Section 66, as amended.

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 68, as amended.

AND FURTHER AMEND by deleting the following language from Section 2, as amended:

- (a) Department of Environment and Conservation -  
Radnor Lake State Natural Area – Land Acquisition                      \$1,000,000.00

AND FURTHER AMEND by inserting the following new items in Section 72, as amended:

**SECTION 72.**

Item \_\_\_. The appropriation to the University of Memphis in Section 1, Title III-10, Item 4.3(c) and listed on page B-83 of the 2012-2013 Budget Document is reduced by the sum of \$4,000,000 (non-recurring) for the sole purpose of reducing funding for the transition of the Lambuth campus.

Item \_\_\_. The non-recurring appropriation for a state-only grant to Meharry Medical College listed on page B-142 of the 2012-2013 Budget Document is reduced in an amount that is proportional to any reduction made by the Metropolitan Government of Nashville and Davidson County.

Item \_\_\_. The appropriation made in Public Acts of 2011, Chapter 473, Section 77, Item 18, is hereby reduced by the sum of \$60,000 (recurring) for the sole purpose of reducing the funding for the Ripley Center at UT Martin.

Item \_\_\_. The appropriation made in Public Acts of 2011, Chapter 473, Section 72, Item 12, is hereby reduced by the sum of \$180,000 (recurring) for the sole purpose of reducing the funding for the UT Martin, Parsons Center.

Item \_\_\_. The sum earmarked and allocated in Section 6, Item 4, of this act, for the purpose of making a grant to the Metropolitan Government of Nashville and Davidson County for the construction of a sports stadium, is hereby reduced by \$481,000.

Item \_\_\_. The appropriation made in Section 1, Title III-16, of this act, to the Department of Health is reduced by the sum of \$75,000 (non-recurring) for the sole purpose of reducing grant funds to the Sickie Cell Foundation of Tennessee.

AND FURTHER AMEND by deleting the language "\$15,000,000" in Item 2 of Section 72, as amended, and by substituting instead the language "\$10,000,000".

AND FURTHER AMEND by deleting the items within Section 74, as amended, which read as follows:

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.



AND FURTHER AMEND by deleting Item 38 in Section 74, as amended, and by substituting instead the following:

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in the various counties, to be used for programs, services and operational expenses.

AND FURTHER AMEND by adding the following language at the end of the last sentence in Item 2, Section 47 of the printed bill:

, and shall include \$2,600,000 (recurring) and \$7,400,000 (non-recurring) transferred from the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following new item:

Item \_\_\_. In the fiscal year ending June 30, 2013, the sum of \$10,800,000 (non-recurring) shall be transferred from the general fund to the TennCare Reserve.

AND FURTHER AMEND by adding the following new item at the end of Section 75, as amended:

Item \_\_\_. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771, House Bill 3839, if such bill becomes law.

AND FURTHER AMEND by inserting the following after other amendments between Sections 64 and 65 of the printed bill:

SECTION \_\_\_. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders, which excludes employees on a statutory pay plan, is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The Commissioner of Finance and Administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next Budget Document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the Speakers of the Senate and House of Representatives; the chairs of the Finance, Ways and Means Committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 Budget Document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

On motion, Amendment No. 18 was adopted by the following vote:

Ayes .....	20
Noes .....	13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

Senator McNally moved to amend as follows:

#### **AMENDMENT NO. 4**

AMEND by deleting each and every section of House Bill 3835 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

On motion, Amendment No. 4 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 5**

ADMINISTRATION AMENDMENT

2011-2012 SUPPLEMENTAL APPROPRIATIONS

AMEND by deleting the following language from Section 38 of the printed bill:

Commerce and Insurance

1. Administration – Interdepartmental Revenue Loss –  
Regulatory Boards Indirect Costs..... \$ 3,382,500.00

Revenue

1. Tax Refund Interest Expense – Accounting Change ..... \$ 2,500,000.00

TOTAL ..... \$ 147,909,500.00

and by substituting instead:

Commerce and Insurance

1. Administration – Interdepartmental Revenue Loss –  
Regulatory Boards Indirect Costs..... \$ 1,280,200.00

Revenue

1. Tax Refund Interest Expense – Accounting Change ..... \$ 2,500,000.00
2. Sales Tax Disaster Relief..... 525,000.00
- Total Revenue..... \$ 3,025,000.00

TOTAL ..... \$ 146,332,200.00

Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill No. 2701/House Bill No. 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a) \$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

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AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 Budget Document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the 2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

**2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k) there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill No. 2251/House Bill No. 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in the year ending June 30, 2013, shall be \$400,000.

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AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds ...	88,450,000.00
Total Title III-31 .....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds ...	84,750,000.00
Total Title III-31 .....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

13. State Employees 2.5% Salary Increase .....	36,000,000.00
27. Severance Benefit Plan .....	2,900,000.00
33. Temporary Office Space .....	6,000,000.00
Total Title III-22 .....	\$ 139,085,300.00

and by substituting instead the following:

13. State Employees 2.5% Salary Increase .....	35,500,000.00
27. Severance Benefit Plan .....	2,100,000.00
33. Temporary Office Space .....	11,400,000.00
34. OIR – Mainframe Outsourcing .....	3,700,000.00
Total Title III-22 .....	\$ 146,885,300.00

AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14. Department of Mental Health	
1. Administration	
1.1 Administrative Services Division .....	\$ 13,653,000.00
Total Administration .....	\$ 13,653,000.00
2. Mental Health Services	
2.1 Middle Tennessee Mental Health Institute.....	\$ 27,250,000.00
2.2 Western Mental Health Institute .....	19,656,700.00

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2.3	Moccasin Bend Mental Health Institute .....	16,379,800.00
2.4	Memphis Mental Health Institute .....	17,110,000.00
2.5	Community Mental Health Services .....	72,854,100.00
2.6	Major Maintenance .....	450,000.00
	Total Mental Health Services .....	\$ 153,700,600.00

**3. Alcohol and Drug Abuse Services**

3.1	Community Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Alcohol and Drug Abuse Services .....	\$ 17,190,600.00

Total Title III-14 .....

\$	184,544,200.00
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AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

**14. Department of Mental Health**

**1. Administration**

1.1	Administrative Services Division .....	\$ 4,731,400.00
	Total Administration .....	\$ 4,731,400.00

**2. Mental Health Services**

2.1	Community Mental Health Services .....	\$ 18,300,400.00
2.2	Middle Tennessee Mental Health Institute.....	14,890,200.00
2.3	Western Mental Health Institute .....	13,823,500.00
2.4	Moccasin Bend Mental Health Institute .....	11,467,600.00
2.5	Memphis Mental Health Institute .....	4,094,900.00
	Total Mental Health Services .....	\$ 62,576,600.00

**3. Alcohol and Drug Abuse Services**

3.1	Community Alcohol and Drug Abuse Services .....	\$ 35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$ 35,255,800.00

Total Title III-14 .....

\$	102,563,800.00
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AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

**LEGISLATION RECONCILIATION**

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

Provided further that the line item appropriation in Item 1 for Senate Bill No. (SB) 2701/House Bill No. (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non-Recurring
1. Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2. SB 884/HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3. SB 2199/HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800 Federal)	1,900	0
4. SB 2210/HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5. SB 2233/HB 2371 - Dept. of Revenue - E-Filing	0	0
6. SB 2246/HB 2384 - Civil Service Reform	0	0
7. SB 2249/HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8. SB 2250/HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0
9. SB 2251/HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10. SB 2251/HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11. SB 2252/HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12. SB 2253/HB 2391 - Health - Prescription Drug Bill - Controlled Substance Monitoring Database	230,300	0
13. SB 2253/HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring Database (\$281,700 Federal)	0	0
14. SB 2253/HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15. SB 2280/HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0

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	<u>Recurring</u>	<u>Non- Recurring</u>
16. SB 2701/HB 2889 - Revenue Dept. - Sales Tax Disaster Relief	250,000	0
17. SB 2809/HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18. SB 3018/HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19. SB 3070/HB 3459 - Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20. SB 3620/HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21. SB 3658/HB 3431 - Labor & WFD - Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22. SB 3659/HB 3429 - Labor & WFD - Unemployment Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)	115,500	0
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247/HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249/HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094/HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base - Building Named for Maj. Gen. Frederick H. Forster (Federal Funds Earmark)	10,500
Total	<u>\$ (190,100)</u>

**OTHER ADDITIONS TO BUDGET**

SECTION 65. Mortgage Servicer Settlement Agreement.



Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberland) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner

of Finance and Administration is authorized to transfer this appropriation to the Attorney General and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

SECTION 66. Budget Reductions Restored. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	Non-Recurring
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0
3. Envir. & Cons. - Core Services FY 11 #8 - West TN River Basin Authority Maintenance	0	300,000
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0

	Recurring	Non-Recurring
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7 - Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

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Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0
6. Finance and Administration - Business Solutions Delivery (8 FT)	1,400,000	0
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickle Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	<u>1,600,000</u>	<u>900,000</u>
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000
2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	<u>760,400</u>
Total	<u>\$ 995,400</u>

Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	
	Appropriation	Departmental Revenue
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	\$ 0	\$ (6,748,000)

#### BUDGET REDUCTIONS AND RECONCILIATION

##### SECTION 70. Budget Reductions and Reconciliation.

Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate

increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure "\$24,492,500" and substituting in lieu thereof the figure "\$25,904,400".

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.

(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		
1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600
2. Community Mental Health Services	<u>0</u>	<u>2,200,000</u>
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600
Health		
1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0
4. Local Health Services	<u>509,800</u>	<u>0</u>
Sub-Total Health	\$ 1,166,300	\$ 7,942,600

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Children's Services

1. Custody Services	<u>0</u>	<u>30,000</u>
Sub-Total Section 39(a)	<u>\$ 4,912,500</u>	<u>\$14,527,200</u>

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$ 15,000	\$ 45,000
Health		
1. Maternal and Child Health	69,800	209,500
Human Services		
1. Community Services	<u>127,900</u>	<u>554,100</u>
Sub-Total Section 39(b)	<u>\$ 212,700</u>	<u>\$ 808,600</u>

The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$ 5,125,200</u>	<u>\$15,335,800</u>
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CAPITAL OUTLAY

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5. Department of Environment and Conservation.....	12,940,000.00
7. Department of General Services .....	12,930,000.00
13. Tennessee Board of Regents .....	48,930,000.00
14. University of Tennessee .....	34,345,000.00
Total Title III-32.....	\$ 138,600,000.00

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and by substituting instead the following:

5.	Department of Environment and Conservation.....	13,940,000.00
7.	Department of General Services .....	15,660,000.00
13.	Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14.	Tennessee Board of Regents .....	48,930,000.00
15.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$ 144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 Budget Document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 Budget Document, two capital budget projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

(a)	Department of Environment and Conservation - Radnor Lake State Natural Area – Land Acquisition	\$1,000,000.00
(b)	Department of General Services – Capital Maintenance - Management Support Services	\$2,730,000.00
(c)	Tennessee Rehabilitative Initiative in Correction - Cook-Chill Equipment Replacement and Repair	\$2,600,000.00

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

2.	General Services Project Maintenance .....	5,547,600.00
3.	Capital Projects.....	125,100,000.00
Total Title III-29 .....		\$ 138,164,800.00

and by substituting instead the following:

2.	General Services Project Maintenance .....	1,100,000.00
3.	Facilities Management .....	5,547,600.00
4.	Capital Projects.....	115,870,000.00
Total Title III-29 .....		\$ 130,034,800.00

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:



4. Capital Projects.....	6,680,000.00
Total Title III-26.....	\$ 138,902,200.00

and by substituting instead:

4. Capital Projects.....	13,667,300.00
Total Title III-26.....	\$ 145,889,500.00

AND FURTHER AMEND by inserting a new section, to follow Section 71 of this amendment, to read as follows:

SECTION 72. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 Budget Document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 Budget Document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 Budget Document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 Budget Document is hereby increased by \$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 Budget Document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address Security Upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 Budget Document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 Budget Document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 Budget Document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 Budget Document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 Budget Document, is hereby canceled.

HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY  
FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

State University and Community College System  
(Tennessee Board of Regents)

Austin Peay State University

Dunn Center Scoreboard Replacement	\$	1,870,000
Total APSU	\$	1,870,000

East Tennessee State University

Baseball Stadium Upgrades	\$	4,500,000
Gray Fossil Site Improvements		180,000
Pedestrian Safety Improvements		1,000,000
Total ETSU	\$	5,680,000

Middle Tennessee State University

Athletic Track Refurbishment	\$	400,000
Data Center Consolidation		5,250,000
Keathley University Center Renovation		3,000,000
McFarland Building Renovations		2,000,000
Total MTSU	\$	10,650,000

Tennessee State University

Campus-wide Relocations and Renovations	\$	250,000
Charter School Facilities Development		1,700,000
Hankal Hall Relocations and Renovations		1,000,000
Total TSU	\$	2,950,000

Tennessee Technological University

Foundation Hall Parking	\$	630,000
Intramural Sports and Activities Building		7,210,000
Parking and Transportation Improvements		750,000

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Warf/Ellington Residence Hall Upgrade	2,250,000
Science & Engineering Complex Parking Garage	18,000,000
Tech Village Apartments Renovations Phase 3	9,680,000
Total TTU	<u>\$ 38,520,000</u>

University of Memphis	
Annex Facility Improvements	\$ 400,000
Dining Pavilion Construction	150,000
Emergency Operations Generator	150,000
Intramural Field Development	1,300,000
Park Avenue Campus Entry	500,000
Traffic and Circulation Improvements	3,000,000
Zach Curlin Parking Extension	1,100,000
Carney-Johnston Dormitory Renovation	3,000,000
Dormitory Reroofing	920,000
Total UoM	<u>\$ 10,520,000</u>

Cleveland State Community College	
Fire Alarm System Upgrade	\$ 1,000,000
Total CLSCC	<u>\$ 1,000,000</u>

Jackson State Community College	
Student Center Repairs and Updates	\$ 500,000
Total JSCC	<u>\$ 500,000</u>

Nashville State Community College	
Antioch Teaching Site Renovations	\$ 3,680,000
Total NASCC	<u>\$ 3,680,000</u>

Pellissippi State Community College	
Campus Window Replacement	\$ 300,000
Career Center Renovation	700,000
Division Street Parking	820,000
Magnolia Campus Student Parking	600,000
Modular Classroom Building	370,000
Total PSCC	<u>\$ 2,790,000</u>

Southwest Tennessee Community College	
F Building Renovations	\$ 190,000
Whitehaven Renovations	5,600,000
Total STCC	<u>\$ 5,790,000</u>

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Volunteer State Community College	
Campus Loop Road Extension	\$ 3,000,000
Wood Campus Center Upgrades	3,000,000
Total VSCC	<u>\$ 6,000,000</u>
TTC Nashville	
Aviation Hanger Construction	\$ 100,000
Total TTC Nashville	<u>\$ 100,000</u>
Total Tennessee Board of Regents	<u>\$ 90,050,000</u>
University of Tennessee System	
University of Tennessee Chattanooga	
West Campus Parking & Housing Complex Planning	\$ 2,500,000
Arena Renovations Planning	100,000
Dining Services Improvements	1,000,000
Life Sciences Laboratory Facility Planning	3,000,000
Total UTC	<u>\$ 6,600,000</u>
UT Institute of Agriculture	
Energy & Enviro. Sciences Education Ctr. Planning	\$ 2,000,000
Total UTIA	<u>\$ 2,000,000</u>
University of Tennessee Knoxville	
Phillip Fulmer Way Expansion	\$ 15,000,000
Greve Hall Improvements Phase 2	4,000,000
Panhellenic Building Renovation Phase 2	4,000,000
Lab Renovations	11,000,000
Deferred Maintenance	12,500,000
New Student Housing Planning	3,000,000
Total UTK	<u>\$ 49,500,000</u>
UT Martin	
Fine Arts Renovation and Addition Planning	\$ 500,000
Football Pressbox Improvements Planning	100,000
Total UTM	<u>\$ 600,000</u>
Total University of Tennessee	<u>\$ 58,700,000</u>
Grand Total	<u><u>\$ 148,750,000</u></u>

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The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

**OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

AND FURTHER AMEND in Section 9, Item 4, by deleting the words "investment performance" and substituting in lieu thereof the words "investment and pensions administration performance" and by deleting the words "investment staff" and inserting in lieu thereof the words "investment and administrative staff".

AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation "for payment of Unclaimed Property – Claims" and inserting in lieu thereof the words and punctuation ", Unclaimed Property, for payment of claims and claims administrative expense".

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item 7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_\_\_. To the Department of Children's Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_\_\_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as "General Sessions Courts – Interpreter Services" is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_\_\_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are appropriated for the intended purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_\_\_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) Increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

**OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

"and a non-recurring reversion of \$94,500,000".

and by substituting instead the following:

"and a non-recurring reversion of \$107,300,000".

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

**TENNCARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

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Legislature.....	\$ 253,500.00
Fiscal Review Committee .....	12,000.00
Court System.....	244,500.00
Attorney General and Reporter.....	550,000.00
Secretary of State.....	225,000.00
Comptroller of the Treasury .....	379,500.00
Treasury Department.....	1,500.00
Total Non-Executive Agencies.....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

**HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND in Section 6, Item 12, by deleting the citation "Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill No. 3769 / House Bill No. 3836".

AND FURTHER AMEND in Section 7, Item 1, by deleting the date "2011-2012" and substituting in lieu thereof the date "2012-2013".

AND FURTHER AMEND in Section 7, Item 2, by deleting the word "Chairman" and substituting in lieu thereof the word "Chair" and by deleting the word "him" in both instances and in the first instance substituting the words "the Chair" and in the second instance substituting the words "the Secretary".

AND FURTHER AMEND in Section 7, Item 12, by deleting the word "firemen" and substituting in lieu thereof the word "firefighters", by deleting the word "fireman's" and substituting the word "firefighter's", and by deleting the word "his" and substituting the word "the".

AND FURTHER AMEND in Section 7, Item 13, by deleting the word "his" and substituting in lieu thereof the word "the".

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation "General", the words and punctuation "in accordance with Tennessee Code Annotated, Section 8-6-106,".

AND FURTHER AMEND in Section 8, Item 11, by deleting the word "Agency" and inserting in lieu thereof the word "Authority".



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AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation "and Section 67-4-606".

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word "Authority" and substituting in lieu thereof the word "Agency".

AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date "Act of 1989" and substituting in lieu thereof the words "Incentive Account".

AND FURTHER AMEND in Section 8, Item 37, by deleting the word "unit" and substituting in lieu thereof the word "Division".

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation "Item 2" the words "and in Section 68, Item 1(8)" and by deleting the amount "\$35.00" in all three places and inserting in lieu thereof the amount "\$37.00".

AND FURTHER AMEND in Section 10, Item 17, by deleting the amount "five hundred dollars (\$500.00)" and substituting in lieu thereof the amount "one thousand dollars (\$1,000.00)".

AND FURTHER AMEND in Section 10, Item 25, by deleting the word "specialty" and inserting in lieu thereof the words and punctuation "cultural, specialty earmarked, new specialty earmarked, and collegiate"; and by inserting the following before the period at the end of the sentence: ", as provided in Tennessee Code Annotated, Title 55, Chapter 4".

AND FURTHER AMEND in Section 10, by renumbering Items 30, 31, 32, and 33, as Items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation "4-5-209" and substituting in lieu thereof the citation "4-5-208".

AND FURTHER AMEND in Section 12, Item 3, by deleting the words "bill is minimal" and inserting in lieu thereof the words "bill as enacted is minimal".

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words "Finance and Administration" in two places in the item and substituting instead the words "General Services" in both places.

AND FURTHER AMEND in Section 20 by deleting the year "2012" and substituting in lieu thereof the year "2013".

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words "estimated federal" and inserting in lieu thereof the word "federal".

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill No. 2418/House Bill No. 2552 or Senate Bill No. 3771/House Bill No. 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code

Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in Part 3 of the Budget Document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the Budget Document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the Budget Document.

AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word "Chairmen" and inserting in lieu thereof the word "Chairs".

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words "as authorized under" and substituting in lieu thereof the words "at the same rates and in the same manner provided by".

AND FURTHER AMEND in Section 28 by inserting after the word "Administration" at the end of the second sentence the words "and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304".

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation "Counsel," the words and punctuation, "Court Interpreter Services,".

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation "Section 77, Item 19" and inserting in lieu thereof the citation "Section 41, Item 35, of this act".

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AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation "67-4-606(a)(B)(9)" and substituting in lieu thereof the citation "67-4-606(a)(9)".

AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation "(d) Governor's Schools; and (e) Governor's Institute for Science and Math" and inserting in lieu thereof the words and punctuation "and (d) Governor's Schools".

AND FURTHER AMEND in Section 41, Item 20, by deleting the words "the Tennessee Infant Parent Services School" and inserting in lieu thereof the words "Tennessee Early Intervention Services".

AND FURTHER AMEND in Section 41, Item 24, by deleting the word "rent" and inserting in lieu thereof the word "rental".

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation "67-801(b)(1)" and substituting in lieu thereof the citation "67-1-801(b)(1)".

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date "June 30, 2012" and the figure "\$10,100,000" and by substituting instead the date "June 30, 2013" and the figure "\$8,969,100".

**LEGISLATIVE AMENDMENT**

AND FURTHER AMEND by adding the following new sections:

**LEGISLATIVE SOURCE ADJUSTMENTS**

**SECTION 72.**

Item 1. The appropriation in Section 1, Title III-9, Item 2.1(b) to the Department of Education, Career Ladder, is reduced by the sum of \$1,500,000 (recurring) for the purpose of recognizing program savings because of attrition.

Item 2. At June 30, 2012, the sum of \$15,000,000 shall be transferred to the General Fund from Tennessee Emergency Management Agency (TEMA), Reserve for Disaster Relief, and the remaining unexpended balance of TEMA disaster relief appropriations and reserves shall be carried forward at June 30, 2012, and hereby is appropriated for expenditure in the year beginning July 1, 2012. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Item 3. The appropriation in Section 1, Title III-29, to the Facilities Revolving Fund, Capital Projects, is reduced by \$5,500,000 for the purpose of reducing to \$69,500,000 the Office Consolidation Project identified on page A-170 of the 2012-2013 Budget Document.

Item 4. Of the appropriation in Section 1, Title III-8, Item 3, to the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance Program, and identified on page B-330 of the 2012-2013 Budget Document as a cost increase of \$10,000,000 recurring and \$10,000,000 non-recurring, the recurring sum of \$10,000,000 hereby is designated as a non-recurring appropriation, such that the entire \$20,000,000 FastTrack program cost-increase described on page B-330 shall be non-recurring.

Item 5. Of the appropriation in Section 1, Title III-9, Item 2.1(c), to the Department of Education, Basic Education Program (BEP), and identified as core-services continuation of BEP ADM Growth Funding on page 118 of the 2012-2013 Budget Document, Volume 2, a sum of \$3,500,000 hereby is designated as a non-recurring appropriation.

**DEDICATED SOURCE & EARMARKS**

**SECTION 73.**

**Item 1.**

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill No. 2278/House Bill No. 2682, Senate Bill No. 2401/House Bill No. 2329, Senate Bill No. 2678/House Bill No. 2803, Senate Bill No. 2684/House Bill No. 2794, Senate Bill No. 2732/House Bill No. 2793, Senate Bill No. 2733/House Bill No. 2878, Senate Bill No. 2778/House Bill No. 3570, House Joint Resolution No. 872, and Senate Joint Resolution No. 629, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act. It is the legislative intent that such funding be earmarked for implementation of such bills and resolutions in the fiscal year ending June 30, 2013 and in subsequent fiscal years.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill No. 2895/House Bill No. 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill No. 3644/House Bill No. 3688, relative to electronic notifications, if such bill becomes law.

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Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing the provisions of Senate Bill No. 3655/House Bill No. 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purposes of implementing the provision of Senate Bill No. 3590/House Bill No. 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing the provisions of Senate Bill No. 2403/House Bill No. 2294, relative to licenses for person with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated to the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill No. 3022/House Bill No. 3665, relative to background checks, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 183 and/or Senate Joint Resolution No. 710, in accordance with Section 3 of Article XI of the Tennessee Constitution if either, or both, such resolutions are adopted.

### LEGISLATIVE INITIATIVES

#### SECTION 74.

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill No. 2863/House Bill No. 3213, Senate Bill No. 3155/House Bill No. 3272, Senate Bill No. 2368/House Bill No. 2488, Senate Bill No. 2371/House Bill No. 2493, Senate Bill No. 1325/House Bill No. 1379, Senate Bill No. 3005/House Bill No. 2868, Senate Bill No. 2349/House Bill No. 2311, Senate Bill No. 2606/House Bill No. 2655, Senate Bill No. 2759/House Bill No. 3082, Senate Bill No. 2129/House Bill No. 2309, Senate Bill No. 2886/House Bill No. 3225, Senate Bill No. 2438/House Bill No. 2733, Senate Bill No. 3176/House Bill No. 2334, Senate Bill No. 2066/House Bill No. 2114, Senate Bill No. 2819/House Bill No. 2663, and Senate Joint Resolution No. 701, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee Department of Health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item 6. In addition to any other funds appropriated by the provision of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to the Memphis Oral School for the Deaf, to be used for programs and operational expenses.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making a grant in such amount to the Legal Aid Society of East Tennessee, to be used for domestic violence programs and services provided through the organization's Chattanooga office.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of the continuation of the historical interpretation pilot project. It is the intent of the General Assembly that such funds be distributed to the same property funded in Section 77, Item 7, of Chapter 473 of the Public Acts of 2011.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of Web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$316,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;

25% to Memphis Food Bank;

20% to Second Harvest Food Bank of East Tennessee;

10% to Chattanooga Area Food Bank;

10% to Second Harvest Food Bank of Northeast Tennessee.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of local planning transition grants. It is the intent of the General Assembly that each of the nine (9) development districts receive \$50,000.

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$120,000 (recurring) to the Commission on Children and Youth for the sole purpose of making grants of \$15,000 each to seven (7) counties participating in the Court Appointed Special Advocates (CASA) program and to one (1) additional county seeking to participate in the program, bringing the total counties receiving state funds to forty-five (45).

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,681,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of restoring funding for the Family Support Program that provides assistance to developmentally disabled individuals who do not qualify for intellectual disabilities services.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to the Education Equal Opportunity Group, Inc. (EEOG), to be used to support student participation in EEOG programs for at-risk and under-served students.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Bureau of Investigation (TBI) for the sole purpose of making grants to local governments in which Crime Stoppers operates. The TBI is authorized to award such grants upon application submitted by a local government as required by the TBI.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Education for the sole purpose of restoring funds for school Internet connectivity.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of training and improving administrative practices for drug task forces.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 (non-recurring) to the Department of Education for the sole purpose of career and technical education programming implemented through the Tennessee Alliance of Boys & Girls Clubs.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of hosting the National Association of Prosecutor Coordinators (NAPC) conference in Nashville during December 2012.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$49,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Secret Safe Place for Newborns, to be used for the purpose of informing the community of safe, secret options under the Safe Haven Law.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated an amount up to \$100,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of research and publication of up to one thousand two



hundred (1,200) hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health, Bureau of Health Services, Community and Medical Services, for the sole purpose of restoring funding for the epilepsy program.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to a Tennessee nonprofit fund supporting services to communities of greatest need to be used for enterprise development week youth economic summits in Nashville, Chattanooga and Memphis.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Bridge of Hope, to be used to provide human trafficking training programs to law enforcement officers.

Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the University of Tennessee System for the sole purpose of programs and services provided through the UT Law Enforcement Innovation Center.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (non-recurring) to the Department of Finance and

Administration for the sole purpose of making a grant in such amount to the town of Somerville, to be used for seed money in the town's efforts to build a facility for higher education.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to E.M. Jellinek Center of Knoxville, Tennessee, to be used for programs, services, and operational expenses related to substance abuse treatment.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the Chickasaw Basin Authority.

Item 41. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of conducting an audit of war memorials to ensure that all appropriate individuals have been listed on such memorials. No later than December 1, 2012, the commission shall report to the members of the Finance, Ways and Means Committees of the Senate and the House of Representatives on the physical condition of the various memorials to identify substandard memorials. The commission shall develop a plan to remedy any problems discovered with such memorials.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Board of Regents, for the sole purpose of building out the space for the third floor of the new Allied Health and Technologies Building of the Roane State Community College, Oak Ridge campus. Such state funding is supplemental to institutional funding in the amount of \$1,300,000 to complete the third floor. It is intended that this state funding in support of the additional space will assist the school in meeting the demand for health science programs.

Item 43. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Tennessee Arts Commission for the sole purpose of making a grant in such amount for musical heritage.

Item 44. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in non-urban counties, to be used for programs, services and operational expenses.

Item 45. To the University of Tennessee, \$5,000,000 is made available from National Academy-Level Faculty unobligated reserves for use toward the completion of the Joint Institute for Advanced Materials Science (JIAMS) research laboratory facility at Cherokee Farm. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

LANGUAGE AMENDMENTS

SECTION 75.

Item 1. From the funds appropriated by this act, the Department of Finance and Administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the General Assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the Chairs of the Finance, Ways and Means Committees of the Senate and the House of Representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the Chairs of the Finance, Ways and Means Committees of the Senate and the House of Representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program (CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the Chairs of the Finance, Ways and Means Committees of the Senate and the House of Representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee Constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the Chairs of the Finance, Ways and Means Committees, the Judiciary Committees of the Senate and House of Representatives, and the executive director of the Fiscal Review Committee no later than January 1, 2013.

SECTION 76. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

HIGHER EDUCATION LOTTERY SCHOLARSHIPS

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill No. 2687/House Bill No. 3332, relative to a short form lottery scholarship application, if such bill becomes a law.

Item 7. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill No. 3599/House Bill No. 3816, relative to lottery scholarships for home school students, if such bill becomes a law.

Item 8. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill No. 3170/House Bill No. 3622, relative to the eligibility status of the Art Institute of Nashville, if such bill becomes a law.

**MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the General Assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

and by substituting instead the following language:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the Chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":

The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) Increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment; and

(3) Exclude this paragraph from the engrossed bill.

On motion, Amendment No. 5 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by adding the following new item at the end of Section 10:

Item \_\_\_\_\_. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill No. 3771/House Bill No. 3839, if such bill becomes law.

On motion, Amendment No. 6 was adopted.

Senator Norris moved to amend as follows:

**AMENDMENT NO. 7**

AMEND by inserting the following after other amendments between Sections 64 and 65 of the printed bill.

SECTION \_\_\_\_\_. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders, which excludes employees on a statutory pay plan, is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The Commissioner of Finance and Administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the General Assembly, a report of findings and recommendations shall be transmitted by the commissioner to the Speakers of the Senate and House of Representatives; the Chairs of the Finance, Ways and Means Committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders;" the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 Budget Document transmitted by the governor to the General Assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

On motion, Amendment No. 7 was adopted.

On motion of Senator Kyle, Amendment No. 1 was withdrawn.

On motion of Senator Kyle, Amendment No. 2 was withdrawn.

Senator Stewart moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$11,682,700 to the Department of Children's Services for the sole purpose of restoring base funding and authorizing no more than 193 positions for the James M. Taft Youth Center. The Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly.

Senator Norris moved that Amendment No. 3 go to the table, which motion prevailed by the following vote:

Ayes ..... 19  
Noes ..... 14

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart, Tate and Yager--14.

On motion of Senator Norris, Amendment No. 8 was withdrawn.

On motion of Senator Norris, Amendment No. 9 was withdrawn.

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On motion of Senator Norris, Amendment No. 10 was withdrawn.

On motion of Senator Norris, Amendment No. 11 was withdrawn.

On motion of Senator Norris, Amendment No. 12 was withdrawn.

On motion of Senator Norris, Amendment No. 13 was withdrawn.

On motion of Senator Norris, Amendment No. 14 was withdrawn.

On motion of Senator Norris, Amendment No. 15 was withdrawn.

On motion of Senator Norris, Amendment No. 16 was withdrawn.

On motion of Senator McNally, Amendment No. 17 was withdrawn.

Thereupon, **House Bill No. 3835**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Senator voting no was: Herron--1.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 3769** be placed behind **Senate Bill No. 3771**, which motion prevailed.

**Senate Bill No. 3771** -- Public Funds and Financing -- As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

On motion, Senate Bill No. 3771 was made to conform with **House Bill No. 3839**.

On motion, House Bill No. 3839, on same subject, was substituted for Senate Bill No. 3771.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Senator McNally moved to amend as follows:



**AMENDMENT NO. 2**

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-3-4903(c), is further amended by designating the existing language as subdivision (1), and by adding the following, to be designated as subdivision (2):

(2) The amount of each grant awarded pursuant to this section shall not exceed twenty-five percent (25%) of the total expenses incurred by a production company for a project; except, however, the department may award grants in excess of this amount if deemed appropriate by the department. It is the legislative intent that funding be appropriated each year in the General Appropriations Act for awarding grants. It is further the legislative intent that the department strive to award the maximum amount of incentive grants authorized by this section due to the amendments to § 67-4-2109(j) provided in this act.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 4-3-4903(f), is amended by deleting the language "is authorized to" and by substituting instead the language "shall".

SECTION \_\_\_\_ Tennessee Code Annotated, Section 67-4-2109(j), is amended by adding the following language as new subdivision (6):

(6) The credit provided for in this subsection (j) shall not apply to tax years beginning on or after July 1, 2012; provided that this subdivision (j)(6) shall have no effect on the right of any taxpayer to realize the benefits of any credit provided under subsection (j) in the event that the Commissioner of Revenue and the Commissioner of Economic and Community Development determine that the taxpayer's production is in the "best interest of this state" pursuant to § 67-4-2109(j)(1)(A) and the taxpayer incurs expenses related to such production prior to July 1, 2012.

On motion, Amendment No. 2 was adopted.

Senator Norris moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the language "4-3-4903(f)" and by substituting instead the language "4-3-4903(i)".

On motion, Amendment No. 3 was adopted.

Thereupon, **House Bill No. 3839**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 33  
Noes ..... 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 3769** -- Bond Issues -- As introduced, authorizes the state to issue and sell its bonds and bond anticipation notes in amounts not to exceed \$381,900,000. AN ACT to authorize the State of Tennessee, acting by resolution of its funding board, to issue and sell its bonds and bond anticipation notes in amounts not to exceed three hundred eighty-one million nine hundred thousand dollars (\$381,900,000) for the purpose of providing funds to the Department of Finance and Administration and the Department of Transportation; to provide for acquisition of equipment and sites, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvements, betterments, and extraordinary repairs to existing structures, for construction of highways, and repair, replacement or rehabilitation of bridges, and for grants to any county, metropolitan government, incorporated town, city, special district of the state, or any governmental agency or instrumentality of any of them; to provide funds for the state office buildings and support facilities revolving fund; and to provide funds for the acquisition and implementation of an interoperable communication system upgrade, and to provide for the expenditure of said funds; to issue its debt in excess of the previously stated amount to fund discount and costs of issuance; and to provide for the expenditure of said funds. This act makes appropriations for an indefinite period of time for the purpose of allocating the proceeds of the bonds and notes authorized by this act.

On motion, Senate Bill No. 3769 was made to conform with **House Bill No. 3836**.

On motion, House Bill No. 3836, on same subject, was substituted for Senate Bill No. 3769.

**House Bill No. 3836** passed its third and final consideration by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 3762** -- Taxes, Inheritance Gift -- As introduced, increases the maximum allowable exemption from \$1 million to \$1.25 million. Amends TCA Title 67, Chapter 8.

Senator Norris declared Rule 13 on **Senate Bill No. 3762**.

On motion, Senate Bill No. 3762 was made to conform with **House Bill No. 3760**.

On motion, House Bill No. 3760, on same subject, was substituted for Senate Bill No. 3762.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following Section 1 of the bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 8, Part 3, is amended by adding the following as a new, appropriately designated section:

Beginning on January 1, 2016, any funds collected pursuant to this part and Part 4 of this chapter shall be used by the Tennessee student assistance corporation to provide need-based scholarships to Tennessee residents attending post-secondary institutions in this state. The qualifications for such scholarships shall be primarily based on a student's need for financial assistance. The Tennessee student assistance corporation is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Norris moved that Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 20  
Noes . . . . . 12

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--12.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

On motion of Senator McNally, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 3760** passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Senator voting no was: Herron--1.

A motion to reconsider was tabled.

**Senate Bill No. 3763** -- Taxes, Sales -- As introduced, reduces the state sales tax on food and food ingredients from 5.5 percent to 5.3 percent; requires that the local option sales tax, which under existing law can be in an amount of up to 2.75 percent, be at a rate that is a multiple of 0.25 percent. Amends TCA Title 67, Chapter 6.

On motion, Senate Bill No. 3763 was made to conform with **House Bill No. 3761**.

On motion, House Bill No. 3761, on same subject, was substituted for Senate Bill No. 3763.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-228(a), is amended by deleting the current language in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of this part to the contrary, except as otherwise provided in subsection (b), the retail sale of food and food ingredients for human consumption shall not be taxed pursuant to this part, but shall be taxed pursuant to Part 7 of this chapter.

SECTION 2. This act shall take effect on July 1, 2012, the public welfare requiring it.

Senator Norris moved that Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes .....	20
Noes .....	11

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Finney, Ford, Harper, Herron, Kyle, Marrero, Stewart, Summerville and Tate--11.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-228(a), is amended by deleting the current language in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of this part to the contrary, except as otherwise provided in subsection (b), the retail sale of food and food ingredients for human consumption shall be taxed at the rate of two and three-fourths percent (2.75%) of the sales price.

SECTION 2. This act shall take effect on July 1, 2012, the public welfare requiring it.

**MR. SPEAKER RAMSEY RELINQUISHES CHAIR**

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

**MR. SPEAKER RAMSEY RESUMES CHAIR**

Mr. Speaker Ramsey resumed the Chair.

Senator Norris moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 20  
Noes . . . . . 11

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Finney, Ford, Harper, Herron, Kyle, Marrero, Stewart, Summerville and Tate--11.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-228(a), is amended by deleting the current language in its entirety and by substituting instead the following:

(a) Notwithstanding any provision of this part to the contrary, except as otherwise provided in subsection (b), the retail sale of food and food ingredients for human consumption shall be taxed at the rate of five percent (5%) of the sales price.

SECTION 2. This act shall take effect on July 1, 2012, the public welfare requiring it.

Senator Campfield moved that Amendment No. 3 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 20  
Noes . . . . . 11

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Finney, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Ford, Harper, Herron, Kyle, Marrero, Stewart, Summerville and Tate--11.

On motion of Senator McNally, Amendment No. 4 was withdrawn.

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Thereupon, **House Bill No. 3761** passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that Rule 19 and Rules 32 and 38 be suspended for the purpose of making and considering Consent Calendar No. 1 consisting of the following resolutions: **Senate Joint Resolutions Nos. 910, 912, 913, 915, 916, 917, 918, 921 and 922; Senate Resolutions Nos. 134, 135, 136 and 137; and House Joint Resolutions Nos. 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140**, which motion prevailed.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 910** -- Memorials, Sports -- Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl Football State Champion.

**Senate Joint Resolution No. 912** -- Memorials, Interns -- Chelsea Rose.

**Senate Joint Resolution No. 913** -- Memorials, Interns -- Tiffany N. Kaschel.

**Senate Joint Resolution No. 915** -- Memorials, Recognition -- Springfield Middle School, 2011 National Blue Ribbon School.

**Senate Joint Resolution No. 916** -- Memorials, Academic Achievement -- Ethan Bryant Fields, Salutatorian, Hendersonville Christian Academy.

**Senate Joint Resolution No. 917** -- Memorials, Academic Achievement -- Polly Jean Suzanne Gregory, Valedictorian, Hendersonville Christian Academy.

**Senate Joint Resolution No. 918** -- Memorials, Interns -- Nicollette N. Davis.

**Senate Joint Resolution No. 921** -- Memorials, Retirement -- Ray Richesin.

**Senate Joint Resolution No. 922** -- Memorials, Death -- John Calvin Henry.

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**Senate Resolution No. 134** -- Memorials, Interns -- Julianna Marie Deyo.

**Senate Resolution No. 135** -- Memorials, Recognition -- International Storytelling Center.

**Senate Resolution No. 136** -- Memorials, Academic Achievement -- Tiffany N. Kaschel, 2011-2012 Outstanding Student Award in Public Management.

**Senate Resolution No. 137** -- Memorials, Interns -- Hannah Ramey.

**House Joint Resolution No. 1067** -- Memorials, Recognition -- Hales Community Ruritan, 30th anniversary.

**House Joint Resolution No. 1068** -- Memorials, Interns -- Rita Jorgensen.

**House Joint Resolution No. 1069** -- Memorials, Interns -- Breanna Pendilton.

**House Joint Resolution No. 1070** -- Memorials, Recognition -- Nashville International Airport, 75th anniversary.

**House Joint Resolution No. 1071** -- Memorials, Death -- Evert Jarrett.

**House Joint Resolution No. 1072** -- Memorials, Recognition -- *Undefeated*, 2012 Academy Award for Best Documentary Feature.

**House Joint Resolution No. 1073** -- Memorials, Sports -- Bethel University Roller Hockey Team, National Champions.

**House Joint Resolution No. 1074** -- Memorials, Academic Achievement -- Joshua Morgan Bland, Valedictorian, Portland High School.

**House Joint Resolution No. 1075** -- Memorials, Recognition -- Larry Collins.

**House Joint Resolution No. 1076** -- Memorials, Academic Achievement -- Nicklaus Wade Curtis, Salutatorian, Portland High School.

**House Joint Resolution No. 1077** -- Memorials, Academic Achievement -- Rebekah Eryn Meyer, Salutatorian, Portland High School.

**House Joint Resolution No. 1078** -- Memorials, Academic Achievement -- Jared Michael Rhoades, Salutatorian, White House High School.

**House Joint Resolution No. 1079** -- Memorials, Academic Achievement -- Cameron Rhoades, Salutatorian, White House High School.

**House Joint Resolution No. 1080** -- Memorials, Academic Achievement -- Tanner Lucas Nelson, Valedictorian, Portland High School.

**House Joint Resolution No. 1081** -- Memorials, Interns -- Parker Thomas Brown.

**House Joint Resolution No. 1082** -- Memorials, Recognition -- Paul Morris.

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**House Joint Resolution No. 1083** -- Memorials, Recognition -- Velma Lois Jones.

**House Joint Resolution No. 1084** -- Memorials, Public Service -- Dr. Chandra Reddy.

**House Joint Resolution No. 1085** -- Memorials, Recognition -- Dr. Kriner Cash, Memphis City Schools.

**House Joint Resolution No. 1086** -- Memorials, Academic Achievement -- Diana Lockett, Salutatorian, Carver High School.

**House Joint Resolution No. 1087** -- Memorials, Academic Achievement -- Pierra Johnson, Valedictorian, Carver High School.

**House Joint Resolution No. 1088** -- Memorials, Academic Achievement -- Stephanie Jordan, Salutatorian, Mitchell High School.

**House Joint Resolution No. 1089** -- Memorials, Academic Achievement -- Alexis Harper, Valedictorian, Mitchell High School.

**House Joint Resolution No. 1090** -- Memorials, Academic Achievement -- Kelsey Anne Perry, Salutatorian, Millington Central High School.

**House Joint Resolution No. 1091** -- Memorials, Academic Achievement -- Sara Marie Baltensperger, Valedictorian, Millington Central High School.

**House Joint Resolution No. 1092** -- Memorials, Death -- William Thomas McCarter.

**House Joint Resolution No. 1094** -- Memorials, Academic Achievement -- Jada Bowie, Valedictorian, Wooddale High School.

**House Joint Resolution No. 1095** -- Memorials, Academic Achievement -- Courtney Bratcher, Salutatorian, Oakhaven High School.

**House Joint Resolution No. 1096** -- Memorials, Academic Achievement -- Kimberly McGowan, Salutatorian, Wooddale High School.

**House Joint Resolution No. 1097** -- Memorials, Academic Achievement -- Leonides Flores, Valedictorian, Oakhaven High School.

**House Joint Resolution No. 1098** -- Memorials, Recognition -- Southside High Class of 75 Reunion, Labor Day Weekend, 2012.

**House Joint Resolution No. 1099** -- Memorials, Academic Achievement -- Houston Noah Daniel, Salutatorian, Dickson County High School.

**House Joint Resolution No. 1100** -- Memorials, Academic Achievement -- Dalton Turner, Valedictorian, Dickson County High School.

**House Joint Resolution No. 1101** -- Memorials, Interns -- Christopher Kandt.

**House Joint Resolution No. 1102** -- Memorials, Interns -- Amanda Daniel.



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**House Joint Resolution No. 1103** -- Memorials, Recognition -- Logan Chase Gann, Every Drop Counts Scholarship.

**House Joint Resolution No. 1104** -- Memorials, Recognition -- Sterling Francis, Jr., Every Drop Counts Scholarship.

**House Joint Resolution No. 1105** -- Memorials, Recognition -- Jessica Lancaster, Every Drop Counts Scholarship.

**House Joint Resolution No. 1106** -- Memorials, Recognition -- Hannah Peek, Every Drop Counts Scholarship.

**House Joint Resolution No. 1108** -- Memorials, Interns -- Melinda Ann Smartt.

**House Joint Resolution No. 1111** -- Memorials, Personal Occasion -- Bill and Loretta Winstead, 50th wedding anniversary.

**House Joint Resolution No. 1112** -- Memorials, Academic Achievement -- Joshua Butler, Valedictorian, Austin-East High School.

**House Joint Resolution No. 1113** -- Memorials, Academic Achievement -- Caleb Brothers, Salutatorian, Austin-East High School.

**House Joint Resolution No. 1115** -- Memorials, Retirement -- Mary Frances Warren.

**House Joint Resolution No. 1116** -- Memorials, Public Service -- Robert D. Martin.

**House Joint Resolution No. 1117** -- Memorials, Recognition -- "Little Richard" Penniman.

**House Joint Resolution No. 1118** -- Memorials, Academic Achievement -- Kara Skjoldager, Valedictorian, Memphis Central High School.

**House Joint Resolution No. 1119** -- Memorials, Academic Achievement -- Elizabeth Forester, Co-Salutatorian, Memphis Central High School.

**House Joint Resolution No. 1120** -- Memorials, Academic Achievement -- Jordaan McGill, Co-Salutatorian, Memphis Central High School.

**House Joint Resolution No. 1121** -- Memorials, Academic Achievement -- Keshane Hong Gan, Valedictorian, White Station High School.

**House Joint Resolution No. 1122** -- Memorials, Academic Achievement -- Tejasvi Krishna Dasari, Salutatorian, White Station High School.

**House Joint Resolution No. 1123** -- Memorials, Academic Achievement -- Natasha Mehra, Salutatorian, White Station High School.

**House Joint Resolution No. 1124** -- Memorials, Academic Achievement -- Eva Motley, Salutatorian, Memphis Health Careers Academy.

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**House Joint Resolution No. 1125** -- Memorials, Academic Achievement -- Amber Carpenter, Valedictorian, Memphis Health Careers Academy.

**House Joint Resolution No. 1126** -- Memorials, Academic Achievement -- Christian Jones, Valedictorian, Melrose High School.

**House Joint Resolution No. 1127** -- Memorials, Academic Achievement -- Johnterrious Hall, Salutatorian, Melrose High School.

**House Joint Resolution No. 1128** -- Memorials, Academic Achievement -- Tieranny Woods, Valedictorian, Overton High School.

**House Joint Resolution No. 1129** -- Memorials, Academic Achievement -- Kya Jones, Salutatorian, Overton High School.

**House Joint Resolution No. 1130** -- Memorials, Public Service -- Reta Adams.

**House Joint Resolution No. 1131** -- Memorials, Academic Achievement -- Brandon William Morse, Valedictorian, Dayspring Academy.

**House Joint Resolution No. 1132** -- Memorials, Academic Achievement -- Micaela Leigh Flanders, Salutatorian, Dayspring Academy.

**House Joint Resolution No. 1133** -- Memorials, Recognition -- Participants of Pro-Life Oratory Contest for Tennessee High School Students.

**House Joint Resolution No. 1134** -- Memorials, Recognition -- Saj Crone.

**House Joint Resolution No. 1135** -- Memorials, Academic Achievement -- Breanna Glenn, Salutatorian, Howard School of Academics and Technology.

**House Joint Resolution No. 1136** -- Memorials, Academic Achievement -- Morgan Howard, Valedictorian, Notre Dame High School.

**House Joint Resolution No. 1137** -- Memorials, Personal Achievement -- Cory Phillips, Eagle Scout.

**House Joint Resolution No. 1138** -- Memorials, Academic Achievement -- Patrick Ward, Salutatorian, Notre Dame High School.

**House Joint Resolution No. 1139** -- Memorials, Public Service -- Tennessee Rehabilitation Center and its newest graduates.

**House Joint Resolution No. 1140** -- Memorials, Public Service -- Hamilton County Drug Court and its graduates.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 2 consisting of the following resolutions: **Senate Resolutions Nos. 89 and 133**; and **House Joint Resolutions Nos. 623, 713 and 744**, which motion prevailed.

**CONSENT CALENDAR NO. 2**

**Senate Resolution No. 89** -- General Assembly, Confirmation of Appointment -- Pastor Keith Norman, Tennessee Ethics Commission.

**Senate Resolution No. 133** -- General Assembly, Statement of Intent or Position -- Urges any state fair to be held where the seat of government is located.

**House Joint Resolution No. 623** -- Highway Signs -- Names segment of U.S. 45 in McNairy County in honor of the late Frederick D. Wyke.

**House Joint Resolution No. 713** -- Highway Signs -- "Polk County Veterans Memorial Bridge", U.S. 411 and U.S. 64 in Polk County.

**House Joint Resolution No. 744** -- Naming and Designating -- "Nashville Navy Week", May 7-13, 2012.

Senator Faulk moved that all Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**RECESS**

Senator Norris moved the Senate stand in recess until 2:00 p.m., which motion prevailed.

**CALL TO ORDER**

The Senate was called to order by Mr. Speaker Ramsey.

**ROLL CALL**

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

**STANDING COMMITTEE REPORT**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2777 with amendment and 3005.

MCNALLY, Chairperson  
April 27, 2012

The Speaker announced that he had referred Senate Bills Nos. 2777 with amendment and 3005 to the Committee on Calendar.

**NOTICES**

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 720, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3835. The House nonconcurred in Senate Amendments Nos. 18, 4, 5, 6 and 7.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3839. The House nonconcurred in Senate Amendments Nos. 2 and 3.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2816, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3310, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

Senator Faulk moved that Rule 19 and Rule 40 be suspended for the purpose of making and considering the Message Calendar consisting of the following bills: **House Bills Nos. 3835 and 3839; Senate Bills Nos. 720, 1197, 2370, 2788, 2816, 2908, 3310 and 3663**, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 3835** -- Appropriations -- As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 18 to **House Bill No. 3835**, which motion prevailed.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 4 to **House Bill No. 3835**, which motion prevailed.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 5 to **House Bill No. 3835**, which motion prevailed.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 6 to **House Bill No. 3835**, which motion prevailed.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 7 to **House Bill No. 3835**, which motion prevailed.

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 3839** -- Public Funds and Financing -- As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding

appointment of dentist to provide service at certain institutions. Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 71.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 2 to **House Bill No. 3839**, which motion prevailed.

Senator Norris moved that the Senate refuse to recede from its action in adopting in Senate Amendment No. 3 to **House Bill No. 3839**, which motion prevailed.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 720** -- Public Employees -- As introduced, creates a presumption that an infectious disease acquired by a firefighter, paramedic, emergency medical technician, or emergency medical technician advanced was suffered in the line of duty unless the contrary is shown by competent evidence. Amends TCA Title 7, Chapter 51, Part 2.

#### HOUSE AMENDMENT NO. 4

AMEND in Section 2(b)(2) by adding the language "virus" between the language "immunodeficiency" and the comma.

AND FURTHER AMEND in Section 2(b)(2) by deleting the language "work" and substituting instead the language "worker".

Senator Berke moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 720**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

#### HOUSE AMENDMENT NO. 5

AMEND by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Berke moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 720**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 1197** -- Courts -- As introduced, allows any person who provides satisfactory proof that such person graduated from a court reporting program prior to January 1, 2010, to be licensed to practice as a court reporter. Amends TCA Title 20, Chapter 9, Part 6.

### HOUSE AMENDMENT NO. 1

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-9-613, is amended by adding the following as a new subsection thereto:

(d) On or before October 1, 2012, any person who provides satisfactory proof that such person graduated from a court reporting program prior to January 1, 2012, shall be licensed to practice as a court reporter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Yager moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1197**, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	2

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senators voting no were: Berke and Marrero--2.

A motion to reconsider was tabled.

### HOUSE AMENDMENT NO. 2

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-9-613, is amended by adding the following as a new subsection thereto:

(d) On or before October 1, 2012, any person who provides satisfactory proof that such person graduated from a court reporting program in this state prior to January 1, 2012, shall be licensed to practice as a court reporter.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Yager moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1197**, which motion prevailed by the following vote:

Ayes .....	26
Noes .....	5

Senators voting aye were: Barnes, Bell, Burks, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Beavers, Berke, Campfield, Finney and Herron--5.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2370** -- Human Services, Dept. of -- As introduced, directs the department to develop a plan for Tennessee to assist in rehabilitating victims of human trafficking. Amends TCA Title 38 and Title 71.

#### HOUSE AMENDMENT NO. 1

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 1, Part 1, is amended by adding the following as a new section thereto:

(a) The Commissioner of the Department of Human Services shall establish a plan for the delivery of services to victims of human trafficking after consultation with the following departments:

- (1) Department of Children's Services;
- (2) Department of Health;
- (3) Department of Intellectual and Developmental Disabilities;
- (4) Department of Mental Health; and
- (5) Tennessee Bureau of Investigation.

(b) The plan developed under subsection (a) shall include, but not be limited to, provisions to:



- (1) Identify victims of human trafficking in this state;
- (2) Identify community-based services for victims of human trafficking;
- (3) Assist victims of human trafficking through the provision of information regarding access to benefits and services to which those victims may be entitled;
- (4) Coordinate delivery of services and information concerning health care, mental health care, legal services, housing, job training, education and victim's compensation funds;
- (5) Prepare and disseminate educational materials and provide training programs to increase awareness of human trafficking and the services available to victims; and
- (6) Assist victims of human trafficking with family reunification.

(c) In addition to the requirements of subsection (b), the plan shall include a timeline for which the department anticipates the state would be capable of implementing the plan, along with anticipated rates of assistance to victims of human trafficking, cost of implementation, an itemized rationale for both, and any other factor that the department opines will significantly contribute to or detract from the success of implementing the plan.

(d) By July 1, 2013, the Department of Human Services shall transmit a copy of the plan and issue a report to the chair of the Judiciary Committee of the Senate and the chair of the Judiciary Committee of the House of Representatives.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Marrero moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2370**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

#### SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 2788** -- Public Officials -- As introduced, provides that a public official receives an unauthorized benefit for purposes of the criminal offense of official misconduct if the official purchases real property knowing that the property may later be purchased by a governmental entity. Amends TCA Section 39-16-402.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-16-402, is amended by adding the following language as a new subsection (c) and redesignating subsequent subsections accordingly:

(c)(1) For purposes of subdivision (a)(5), the ways in which a public servant receives a benefit not otherwise authorized by law include, but are not limited to, a public servant who:

(A) Purchases real property or otherwise obtains an option to purchase real property with intent to make a profit if the public servant knows that such real property may be purchased by a governmental entity and such information is not public knowledge; or

(B) Acquires nonpublic information derived from such person's position as a public servant or gained from the performance of such person's official duties as a public servant and knowingly acts on such nonpublic information to acquire, or obtain an option to acquire, or liquidate, tangible or intangible personal property with intent to make a profit.

(2) Ouster provisions shall be instituted upon a conviction under subsection (a) in which the conduct described in subsection (c) is basis of the violation. In addition any person convicted of such offense shall forever afterwards be disqualified from holding any office under the laws or constitution of this state.

SECTION 2. Tennessee Code Annotated, Section 39-16-402, is amended by deleting subsection (d), which was redesignated as subsection (e) by this act, and substituting instead the following:

(e)(1) An offense under subsection (a) in which the conduct described in subsection (c) is not the basis of the violation is a Class E felony.

(2) An offense under subsection (a) in which the conduct described in subsection (c) is basis of the violation is a Class A misdemeanor and the court shall order appropriate restitution to the governmental entity harmed by the offense.

(3) If the defendant's conduct violates this section and other criminal statutes, nothing in this subsection shall be construed as prohibiting prosecution and conviction for theft or any other such applicable offense in addition to or in lieu of prosecution and conviction for a violation of this section.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Kelsey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2788**.

Senator Kelsey moved that **Senate Bill No. 2788** be placed at the heel of the Message Calendar for today, which motion prevailed.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2816** -- Hospitals and Healthcare Facilities -- As introduced, enacts the "Community-Based TBI Adult Care Home Act of 2012" for the regulation of certain traumatic brain injury care homes. Amends TCA Title 68, Chapter 11.

**HOUSE AMENDMENT NO. 1**

AMEND by adding the language "within the residence" after "at all times" and before "including overnights and weekends" in § 68-11-273(c) of the amendatory language of Section 3.

AND FURTHER AMEND by adding the language "The staff members providing overnight care and/or supervision shall hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury" to the end of § 68-11-273(c) of the amendatory language in Section 3.

AND FURTHER AMEND at the end of § 68-11-202(b)(1)(E) of the amendatory language in Section 5 by deleting the language: "At the discretion of the board consistent with this part, community-based TBI adult care homes equipped with sprinkler systems may not be required to comply with these fire code requirements in their entirety".

AND FURTHER AMEND by deleting § 68-11-206(a)(2)(E) in the amendatory language of Section 12 and by redesignating subdivision (F) in the amendatory language as subdivision (E).

SECTION 17. Tennessee Code Annotated, Section 68-11-209(h)(2), is amended by adding the following language as new, appropriately designated subdivisions at the end of the subsection:

( ) A community-based TBI adult care home provider shall hold national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS) or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of disabled adults suffering from the effects of a traumatic brain injury.

( ) A community-based TBI adult care home providers shall not be required to live in or employ a resident manager or substitute caregiver to live in a community-based TBI adult care home. However, a community-based TBI adult care home provider shall employ staff members to supervise the residents at all times within the residence, including overnights and during weekends. The staff members providing overnight care and/or supervision must hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained in the care and experience in the care and rehabilitation, of or residents with traumatic brain injury". to the end of § 68-11-209(h)(2)( ) in the amendatory language of Section 17.

Senator Tracy moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 2816**, which motion prevailed.

**HOUSE AMENDMENT NO. 2**

AND FURTHER AMEND by deleting Section 8 of the printed bill and appropriately redesignating subsequent sections.

AND FURTHER AMEND by deleting the language "community-based TBI adult care" wherever it appears in the bill as amended and by substituting instead the language "traumatic brain injury residential".

Senator Tracy moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 2816**, which motion prevailed.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 2908** -- Municipal Government -- As introduced, removes prohibition on creation of municipal school districts. Amends TCA Section 6-58-112.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 6-58-112(b), is amended by designating the current language as subdivision (1) and by adding the following new language, to be designated as subdivision (2):

(2) From and after the effective date of the transfer of the administration of the schools in a special school district to the county board of education pursuant to § 49-2-502(b), the restrictions imposed by § 6-58-112(b)(1) on creation of municipal school districts no longer apply within such county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Norris moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2908**, which motion prevailed by the following vote:

Ayes . . . . .	20
Noes . . . . .	11
Present, not voting . . .	1

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero and Stewart--11.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3310** -- Education, Curriculum -- As introduced, requires that a family life education curriculum comply with certain restrictions. Amends TCA Title 49, Chapter 6.

**HOUSE AMENDMENT NO. 2**

AMEND by deleting the language "non-marital sexual" in Section 49-6-1304 of the amendatory language of the bill and by substituting instead the language "non-marital sexual activity".

Senator Johnson moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3310**, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3663** -- Tattoos and Piercings -- As introduced, adds record keeping and other requirements for tattooing of minors, increases penalties for violations related to tattooing of minors. Amends TCA Title 37; Title 39, Chapter 15, Part 4 and Title 62, Chapter 38, Part 2.

**HOUSE AMENDMENT NO. 3**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 62-38-210, is amended by deleting subsection (b) and substituting the following:

(b) This part does not apply to any physician, surgeon or any person under the supervision of a physician or surgeon who is licensed to practice medicine in this state.

Senator Kyle moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 3663**, which motion prevailed by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 2788**

Senator Kelsey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2788**, which motion prevailed by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**CALENDAR NO. 2**

**Senate Bill No. 2247** -- Tennessee Regulatory Authority -- As introduced, changes the membership of the authority to be five part-time directors instead of four full-time directors; sets the salaries of such directors; revises other provisions regarding the authority. Amends TCA Title 65, as amended.

Senator Kyle declared Rule 13 on **Senate Bill No. 2247**, as amended.

Senator Berke moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-1-101(a), is amended by deleting the language "four (4)" and by substituting instead the language "three (3)"; by deleting the language "directors" and by substituting instead the language "commissioners"; and by deleting the following language:

one (1) shall be appointed by the Speaker of the House of Representatives, and one (1) commissioner shall be appointed by joint agreement among the governor, the Speaker of the Senate and the Speaker of the House of Representatives

and by substituting instead the language:

and one (1) shall be appointed by the Speaker of the House of Representatives

SECTION 2. Tennessee Code Annotated, Section 65-1-101, is amended by deleting subsections (b)-(f) and by substituting instead the following:

(b) The commissioners of the authority shall be state officers and shall serve for six-year terms, except as provided in subsection (g).

(c) Every March 1 prior to the expiration of the terms of office of the commissioners thereafter, the governor, the Speaker of the Senate and the Speaker of the House of Representatives shall each appoint (1) commissioner of the authority.

(d) All appointments of the commissioners shall be confirmed by joint resolution adopted by each house of the general assembly prior to the commencement of the term of office to which such commissioner is appointed.

(e) Any vacancy on the authority shall be filled by the original appointing authority for such position to serve the unexpired term and such appointments shall be confirmed in the same manner as the original appointment. However, if the general assembly is not in session and a vacancy occurs, the appropriate appointing authority shall fill such vacancy by appointment and the appointee to such vacancy shall serve the unexpired term unless such appointment is not confirmed within thirty (30) days after the general assembly convenes following the appointment to fill such vacancy.

(f) The term of office of each commissioner shall commence on July 1, following such commissioner's appointment.

SECTION 3. Tennessee Code Annotated, Section 65-1-101(g), is amended by deleting the subsection in its entirety and by substituting instead the following:

(g) In order to stagger the terms of commissioners, the terms of commissioners appointed prior to the effective date of this section shall expire as follows:

(1) The term of the commissioner appointed by the governor and the term of the commissioner appointed by the joint agreement of all the appointing authorities shall expire on June 30, 2012. The commissioner appointed by joint agreement shall be thereafter eliminated;

(2) The term of the commissioners appointed by the Speaker of the House of Representatives and the Speaker of the Senate shall expire on June 30, 2014; and

(3) Thereafter, all members shall serve six-year terms.

SECTION 4. Tennessee Code Annotated, Section 65-1-104, is amended by deleting the section in its entirety and by substituting instead the following:

65-1-104.

(a) A majority of the Tennessee regulatory authority shall constitute a quorum for the transaction of business. The authority shall elect one (1) of its commissioners to be chair of the authority for a two-year term.

(b) The Tennessee regulatory authority, with the advice of the executive director, shall establish policies for the efficient and economical internal management of the authority, to be administered by the executive director.

(c) Policies established by the authority shall be communicated to the executive director by the chair, and the chair shall be responsible for ensuring that policies established by the authority are fully executed by the executive director. In addition, the chair shall have the power and duty to conduct ordinary and necessary business in the name of the authority, such duties to include, but not be limited to the following:

(1) Prepare and call the docket of items to be heard during each scheduled meeting of the authority;

(2) Serve as the designated contact for all media inquiries to the authority; and

(3) Perform such other duties as the authority may require or as may be required by statute.

SECTION 5. Tennessee Code Annotated, Section 65-1-105, is amended by deleting the language "four (4)" and inserting the language "three (3)" at the beginning of subdivision (b).

SECTION 6. Tennessee Code Annotated, Title 65, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

65-1-109.

(a) The executive director shall be appointed by joint agreement among the governor, the Speaker of the Senate and the Speaker of the House of Representatives for the initial term. Thereafter, the commissioners of the authority shall appoint the executive director. Except as provided in subsection (b), the term of the executive director shall be three (3) years. The executive director shall have at a minimum a bachelor's degree and either a minimum of five (5) years' experience in the regulated utility industry or a minimum of five (5) years' experience in executive-level management, with a preference toward experience in economics, law, finance, accounting or engineering. The executive director shall not be a commissioner of the authority.

(b) The authority may remove the executive director by a majority vote of the commissioners.

(c) The executive director shall have the principal responsibility of implementing the broad strategies, goals, objectives, long-range plans and policies of the authority as directed by the authority. Among the executive director's duties, which are not limited to the following list, are:

(1) Serving as chief operating officer of the authority responsible for the day to day management of the authority and the supervision and hiring of all staff members within the limits of available funds authorized from time to time by the legislature;



(2) Administering, monitoring, and reviewing the operating procedures of each division of the authority, ensuring that each employee and division of the authority fully executes in an efficient and economical manner, the separate duties assigned to each;

(3) Recommending to the authority such rules and policies as are necessary and appropriate to efficiently and economically provide for internal management of the authority;

(4) Implementing and administering rules and policies for the efficient and economical internal management of the authority;

(5) Coordinating the preparation of the report to the general assembly as required by Section 65-1-111;

(6) Supervising the expenditure of funds and being responsible for complying with all applicable provisions of state and federal law in the receipt and disbursement of funds;

(7) Keeping the official full and correct record of all proceedings and transactions of the authority; and

(8) Performing such other duties as the authority may require, from time to time, or as may be required by statute.

(d) The commissioners of the authority shall set the compensation of the executive director.

SECTION 7. The Tennessee Code Commission is requested to change appropriate references in Tennessee Code Annotated to reflect the change in the designation of persons serving on the Tennessee Regulatory Authority from "directors" to "commissioners", as supplements are issued and volumes are replaced.

SECTION 8. Section 3 and this section shall take effect upon becoming a law, the public welfare requiring it. All other provisions of this act shall take effect on July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 4 failed by the following vote:

Ayes . . . . .	12
Noes . . . . .	20
Present, not voting . . .	1

Senators voting aye were: Barnes, Berke, Burks, Finney, Ford, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--12.

Senators voting no were: Beavers, Bell, Campfield, Faulk, Gresham, Harper, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senator present and not voting was: Crowe--1.

**FRIDAY, APRIL 27, 2012 -- 79TH LEGISLATIVE DAY**

Thereupon, **Senate Bill No. 2247**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 20  
Noes . . . . . 13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--13.

A motion to reconsider was tabled.

**House Bill No. 3499** -- Firearms and Ammunition -- As introduced, defines and clarifies the terms "intent to go armed" and "purpose of going armed" when determining if person is in violation of law prohibiting a person from carrying a firearm with the intent to go armed under certain circumstances. Amends TCA Title 39, Chapter 17.

**House Bill No. 3499** failed for lack of a constitutional majority by the following vote:

Ayes . . . . . 16  
Noes . . . . . 14

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Johnson, Ketron, McNally, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--16.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kelsey, Kyle, Marrero, Stewart and Tate--14.

A motion to reconsider was tabled.

Pursuant to Rule 62, **House Bill No. 3499** was rereferred to Committee on Calendar.

**Senate Bill No. 1325** -- Immigration -- As introduced, enacts the "Eligibility Verification for Entitlements Act". Amends TCA Title 4; Title 68 and Title 71.

Senator Yager moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator Kyle moved that Amendment No. 2 be placed at the heel of the Amendments, which motion prevailed.

Senator Finney moved that Amendment No. 3 be placed at the heel of the Amendments, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 4**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new, appropriately designated chapter:

4-57-101. This chapter shall be known and may be cited as the "Eligibility Verification for Entitlements Act".

4-57-102. It is the public policy of this state and the purpose of this chapter that state governmental entities and local health departments shall verify that an applicant eighteen (18) years of age or older applying for a federal, state or local benefit meets all eligibility requirements for such benefit, including lawful presence as applicable.

4-57-103. As used in this chapter:

(1) "Federal public benefit" has the same meaning as provided in 8 U.S.C. § 1611;

(2) "SAVE program" means the systematic alien verification for entitlements program created pursuant to the federal Immigration Reform and Control Act of 1986 and operated by the United States Department of Homeland Security, or any successor program thereto; and

(3) "State or local public benefit" means any public benefit as described in 8 U.S.C. § 1621 that is provided or administered by a state governmental entity, not including a political subdivision except for a local health department.

4-57-104.

(a) Notwithstanding any other law and except where prohibited by federal law, every state governmental entity and local health department shall verify the eligibility of each applicant eighteen (18) years of age or older who applies for a federal, state or local public benefit from the entity or local health department in the manner provided in this chapter.

(b)(1) As provided in subdivision (b)(2), every state governmental entity or local health department shall include on all forms, electronic or otherwise, and all automated phone systems, a written or verbal statement:

(A) Requiring an applicant for a federal, state or local public benefit to, under penalty of perjury, attest to the applicant's eligibility status for said benefit as either:

(i) A United States citizen; or

(ii) A qualified alien as defined by 8 U.S.C. § 1641(b).

(B) Describing the penalties for violations of this chapter.

(2) Subdivision (b)(1) shall take effect upon the entity's or local health department's first reprinting of applicable forms or updating of the electronic or automated phone systems described in subdivision (b)(1) that occurs after the effective date of this act.

(c) For an applicant who claims eligibility based upon United States citizenship, the entity or local health department shall make every reasonable effort to ascertain verification of the applicant's citizenship, which may include requesting the applicant to present any one (1) of the following:

(1)(A) A valid Tennessee driver license or photo identification license issued by the Department of Safety; or

(B) A valid driver license or photo identification license from another state where the issuance requirements are at least as strict as those in Tennessee, as determined by the Department of Safety;

(2) An official birth certificate issued by a U.S. state, jurisdiction or territory, including Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, Swains Island, Guam; provided, that Puerto Rican birth certificates issued before July 1, 2010, shall not be recognized under this subdivision (c)(2);

(3) A U.S. government-issued certified birth certificate;

(4) A valid, unexpired U.S. passport;

(5) A U.S. certificate of birth abroad (DS-1350 or FS-545);

(6) A report of birth abroad of a citizen of the U.S. (FS-240);

(7) A certificate of citizenship (N560 or N561);

(8) A certificate of naturalization (N550, N570 or N578);

(9) A U.S. citizen identification card (I-197, I-179); or

(10) Any successor document of subdivisions (c)(4)-(8); or

(11) A social security number that the entity or local health department may verify with the Social Security Administration in accordance with federal law.

(d)(1) For an applicant who claims eligibility as a qualified alien, the applicant shall present two (2) forms of documentation of identity and immigration status, as determined by the United States Department of

Homeland Security to be acceptable for verification through the SAVE program; provided, no entity or local health department is required to verify such applicant's documents through the SAVE program if two (2) such documents are presented unless otherwise required by federal law.

(2) If an applicant who claims eligibility as a qualified alien is unable to present two (2) forms of documentation as described in subdivision (d)(1), then the applicant shall present at least one (1) such document that the entity or local health department shall then verify through the SAVE program.

(e) Each state governmental entity or local health department shall maintain a copy of all documentation submitted by an applicant for verification in a manner consistent with the entity's or local health department's rules, regulations or policies governing storage or preservation of such documentation.

(f)(1) Any document submitted pursuant to subsections (c) or (d) shall be presumed to be proof of an individual's eligibility under this chapter until a final verification is received by the state governmental entity or local health department, and no entity or local health department shall delay the distribution of any federal, state or local benefit based solely on the pendency of final verification.

(2) Upon receipt of a final verification that indicates that the applicant is not a United States citizen or qualified alien, the state governmental entity or local health department shall terminate any recurring benefit, and shall pursue any action applicable against the applicant pursuant to § 4-57-105 or § 4-57-106.

(g) Verification through the SAVE program is not required:

(1) For any federal public benefit that does not require lawful presence in the United States as an eligibility requirement pursuant to 8 U.S.C. § 1611;

(2) For any state or local benefit listed in 8 U.S.C. § 1621(b);

(3) For prenatal care administered by the Department of Health; or

(4) For the Special Supplemental Food Program for Women, Infants and Children administered by the Department of Health.

(h) The verification process required by this section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

4-57-105.

(a) Any natural person eighteen (18) years of age or older who knowingly and willfully makes a false, fictitious or fraudulent statement or representation in terms of verifying eligibility under this chapter shall be liable under either:

(1) The Tennessee Medicaid False Claims Act, compiled in §§ 71-5-181—71-5-185; or

(2) The False Claims Act, compiled in Chapter 18 of this title.

(b) Any natural person who conspires to defraud the state or any local health department by securing a false claim allowed or paid to another person in violation of this chapter shall be liable under § 4-18-103(a)(3).

(c) A state governmental entity or local health department shall file, with the attorney general and reporter of this state, a complaint alleging a violation of subsections (a) or (b), as applicable.

(d) Any monies collected pursuant to this section shall be deposited with and utilized by the applicable entity or local health department that filed a complaint pursuant to subsection (c). The applicable entity or local health department shall establish a fund for the deposit of such monies, and shall use such monies for the sole purpose of enforcing this chapter. Any interest accruing on investments and deposits of the fund shall be credited to such fund, shall not revert to any general fund, and shall be carried forward into each subsequent fiscal year.

4-57-106. A state governmental entity or local health department shall file, with the United States attorney, a complaint alleging a criminal violation of 18 U.S.C. § 911, for each person who willfully makes a false, fictitious or fraudulent statement or representation of United States citizenship.

4-57-107.

(a) No state governmental entity or local health department shall provide or offer to provide any federal, state or local public benefit in violation of this chapter.

(b) Each entity and local health department, subject to this chapter, shall include in any annual report to the general assembly as required by law, a report of its compliance with this chapter through June 30 of each year.

4-57-108. Unless otherwise provided by federal law, no state governmental entity or local health department shall be prohibited, or in any way restricted, from sending to or receiving from the Immigration and naturalization service information regarding the immigration status, lawful or unlawful, of an alien in the United States.

4-57-109. This chapter shall be interpreted consistently with all federal laws, including, but not limited to, federal laws regulating immigration, labor, and Medicaid, and all state laws.

4-57-110. Nothing in this chapter shall be interpreted as limiting a state governmental entity or local health department in regards to the application process currently utilized by the entity or local health department for administering a federal, state or local public benefit, including, but not limited to, requesting additional information from the applicant or requiring additional verification of eligibility.

SECTION 2. Tennessee Code Annotated, Section 4-18-103(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d) This section does not apply to any controversy involving an amount of less than five hundred dollars (\$500) in value, unless the controversy arose from a violation of Chapter 57, Part 1 of this title. For purposes of this subsection (d), "controversy" means any one (1) or more false claims submitted by the same person in violation of this chapter.

SECTION 3. All affected state governmental entities are authorized to promulgate rules and regulations to effectuate the purposes of this act. All rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 2012, the public welfare requiring it, and shall apply to all applications for benefits submitted to state governmental entities or local health departments on or after October 1, 2012.

On motion, Amendment No. 4 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by adding the following language at the end of § 4-57-110 in Section 1 of the bill:

Provided, however, the state shall defray the cost of verifying each applicant's eligibility status for a benefit from a political subdivision.

On motion, Amendment No. 5 was adopted.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by adding the following language as a new, appropriately designated section in Chapter 57 in Section 1:

4-57-111. This chapter shall not apply to:

(1) Any person applying for benefits who:

(A) Lacks the mental capacity to commit perjury under oath; and

(B) Has not been judicially appointed a guardian or conservator; and

(2) Legal services provided by a district public defender, court-appointed counsel, or other counsel for indigent services.

On motion, Amendment No. 6 was adopted.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

On motion of Senator Kyle, Amendment No. 2 was withdrawn.

On motion of Senator Finney, Amendment No. 3 was withdrawn.

Senator Johnson moved that **Senate Bill No. 1325**, as amended, be moved four places down on Calendar No. 2 for today, which motion prevailed.

**Senate Bill No. 1804** -- Sheriffs -- As introduced, increases specific fees authorized for sheriffs and constables. Amends TCA Section 8-21-901.

On motion, Senate Bill No. 1804 was made to conform with **House Bill No. 991**.

On motion, House Bill No. 991, on same subject, was substituted for Senate Bill No. 1804.

Senator Beavers moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-21-901(a)(1)(A)(i), is amended by deleting the language "\$20.00" and substituting instead the language "\$26.00".

SECTION 2. Tennessee Code Annotated, Section 8-21-901(a)(1)(D), is amended by deleting the language "\$7.00" and substituting instead the language "\$9.00".

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 991**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 22  
Noes . . . . . 6



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Senators voting aye were: Beavers, Bell, Burks, Crowe, Faulk, Ford, Gresham, Harper, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Southerland, Tate, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Campfield, Finney, Haynes, Henry and Summerville--6.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 2066** be moved two places down on Calendar No. 2 for today, which motion prevailed.

**Senate Bill No. 2128** -- Election Laws -- As introduced, allows persons age 60 and older to vote absentee upon request, instead of age 65 and older. Amends TCA Section 2-6-201(5).

On motion, Senate Bill No. 2128 was made to conform with **House Bill No. 2174**.

On motion, House Bill No. 2174, on same subject, was substituted for Senate Bill No. 2128.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-6-201(5)(A), is amended by adding the following language at the end of the subdivision:

provided, however, that between the effective date of this act and July 1, 2017, a person sixty (60) years of age or older may vote absentee, when the person requests to vote absentee.

On motion, Amendment No. 1 was adopted.

Senator Stewart moved that the Senate reconsider its action in adopting Amendment No. 1, which motion failed by the following vote:

Ayes .....	13
Noes .....	17

Senators voting aye were: Barnes, Berke, Burks, Faulk, Finney, Ford, Haynes, Henry, Herron, Kyle, Marrero, Overbey and Stewart--13.

Senators voting no were: Beavers, Bell, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson and Yager--17.

Thereupon, **House Bill No. 2174**, as amended, passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

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Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 2349** -- Sexual Offenses -- As introduced, requires that persons convicted of aggravated rape serve 100 percent of sentence. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35.

**Senate Bill No. 2349** passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2066** -- Education, Curriculum -- As introduced, urges inclusion of study of Tennessee government at some appropriate grade level or levels in high school. Amends TCA Title 49.

On motion, Senate Bill No. 2066 was made to conform with **House Bill No. 2114**.

On motion, House Bill No. 2114, on same subject, was substituted for Senate Bill No. 2066.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1028, is amended by deleting subsections (d) and (e) and by substituting instead the following:

(d)(1) Beginning with the 2012-2013 school year, in conjunction with the social studies curriculum, all LEAs shall implement a project-based assessment in civics at least once in grades four through eight (4-8) and at least once in grades nine through twelve (9-12). The assessments shall be developed by the LEA and designed to measure the civics learning objectives contained in the social studies curriculum and to demonstrate understanding and relevance of public policy, the structure of federal, state and local governments and both the Tennessee and the United States Constitutions.

(2) The Department of Education may seek the assistance of appropriate outside entities, including the Tennessee Center for Civic

Learning and Engagement, to assist it with the implementation of any necessary professional development on the use of project-based assessments of civics learning.

(3) For the purposes of this section, the term "project-based" shall mean an approach that engages students in learning essential knowledge and skills through a student-influenced inquiry process structured around complex, authentic questions and carefully designed products and tasks.

(4) LEAs shall submit verification of implementation of this section to the Department of Education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2114**, as amended, passed its third and final consideration by the following vote:

Ayes .....	33
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

#### **FURTHER ACTION ON SENATE BILL NO. 1325, AS AMENDED**

Senator Johnson moved that **Senate Bill No. 1325**, as amended, be moved five places down on Calendar No. 2 for today, which motion prevailed.

**Senate Bill No. 2368** -- Criminal Offenses -- As introduced, enhances the penalty for involuntary labor servitude where the victim was under age 13 and adds means by which the crime is possible. Amends TCA Title 39, Chapter 13 and Title 40.

**Senate Bill No. 2368** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 2371** -- Criminal Offenses -- As introduced, creates the offense of trafficking for commercial sex acts and describes acts that constitute the crime.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-301, is amended by adding the following as a new, appropriately designated subdivisions:

( ) "Advertisement" means a notice or an announcement in a public medium promoting a product, service, or event, or publicizing a job vacancy;

( ) "Commercial sex act" means any sexual act for which something of value is given or received;

( ) "Minor" means an individual who is less than eighteen years old;

SECTION 2. Tennessee Code Annotated, Section 39-13-309, is amended by deleting the section in its entirety and by substituting instead the following:

39-13-309.

(a) A person commits the offense of trafficking a person for a commercial sex act who:

(1) Knowingly subjects, attempts to subject, benefits from or attempts to benefit from another person's provision of a commercial sex act; or

(2) Recruits, entices, harbors, transports, provides, or obtains by any other means, another person for the purpose of providing a commercial sex act.

(b) For purposes of subdivision (a)(2), such means may include, but are not limited to:

(1) Causing or threatening to cause physical harm to the person;

(2) Physically restraining or threatening to physically restrain the person;

(3) Abusing or threatening to abuse the law or legal process;

(4) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(5) Using blackmail or using or threatening to cause financial harm for the purpose of exercising financial control over the person; or

(6) Facilitating or controlling a person's access to a controlled substance.

(c) A violation of subsection (a) is a Class B felony, except where the victim of the offense is a child under fifteen (15) years of age, or where the offense occurs on the grounds or facilities or within one thousand feet (1,000') of a public or private school, secondary school, preschool, childcare agency, public library, recreational center, or public park, a violation of subsection (a) is a Class A felony.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by adding the following as a new section thereto:

39-13-314.

(a) A person commits the offense of advertising commercial sexual abuse of a minor if the person knowingly sells or offers to sell an advertisement that would appear to a reasonable person to be for the purpose of engaging in what would be a commercial sex act, as defined in § 39-13-301, with a minor.

(b)(1) Advertising commercial sexual abuse of a minor is a Class C felony.

(2) In addition to any authorized period of incarceration, advertising commercial sexual abuse of a minor is punishable by a minimum fine of ten thousand dollars (\$10,000).

(c) In a prosecution under this statute, it is not a defense that the defendant did not know the age of the minor depicted in the advertisement. It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor appearing in the advertisement by requiring, prior to publication of the advertisement, production of a driver license, marriage license, birth certificate, or other governmental or educational identification card or paper of the minor depicted in the advertisement and did not rely solely on oral or written allegations of the minor's age or the apparent age of the minor.

SECTION 4. Tennessee Code Annotated, Section 40-39-202, is amended in subdivision (30)(Y) by deleting the language "for sexual servitude" and by substituting instead the language "for a commercial sex act".

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 2371**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2438** -- Sexual Offenses -- As introduced, increases from \$1,500 to \$2,000 the fine that may be imposed for a third or subsequent public indecency offense. Amends TCA Title 39, Chapter 13 and Title 39, Chapter 17.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-511, is amended by deleting subsection (b)(2) and substituting instead the following:

(2) "Indecent exposure" as defined in subdivision (b)(1), is a Class B misdemeanor, unless the defendant is eighteen (18) years of age or older and the victim is under thirteen (13) years of age, in which event, indecent exposure is a Class A misdemeanor. Additionally, "indecent exposure" as defined in subdivision (b)(1) is a Class E felony when the defendant is eighteen (18) years of age or older, the victim is under thirteen (13) years of age, and the defendant has any combination of two (2) or more prior convictions under this section or is a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in § 40-39-202.

SECTION 2. Tennessee Code Annotated, Section 39-17-315, is amended by deleting subdivision (b)(2) and substituting instead the following:

(2) Stalking is a Class A misdemeanor.

(3) Stalking is a Class E felony if the defendant, at the time of the offense, was required to or was registered with the Tennessee Bureau of Investigation as a sexual offender, violent sexual offender or violent juvenile sexual offender, as defined in § 40-39-202.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 2438**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 33  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

**Senate Bill No. 2560** -- Taxes, Exemption and Credits -- As introduced, exempts from sales tax the repair and refurbishment services performed on out-of-state aircraft by an authorized service facility designated by an original equipment manufacturer, where the aircraft is removed out of state within 15 days of completion of work. Amends TCA Title 67, Chapter 6, Part 3.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-313(h)(1)(D), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(D) Repair and refurbishment services within Tennessee with respect to airplanes and airplane components and parts which have their situs outside of Tennessee and are removed from Tennessee within fifteen (15) days from the completion of such repair and refurbishment services when such repair or refurbishment services with respect to such airplanes or airplane components or parts are:

(i) Performed pursuant to and by the registered owner of one (1) or more "supplemental type certificates" issued by the federal aviation administration; or

(ii) Performed pursuant to and by an authorized service facility designated by an original equipment manufacturer for such service with respect to aircraft qualifying as "Transport Category Aircraft" under 14 CFR, Parts 25, 29, 91 and 121.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2560**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 22  
Noes ..... 8

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Senators voting aye were: Bell, Berke, Burks, Crowe, Faulk, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Finney, Ford, Harper, Henry, Herron, Kyle and Marrero--8.

A motion to reconsider was tabled.

**Senate Bill No. 2606** -- Criminal Offenses -- As introduced, creates new Class A felony theft provision if the amount stolen is \$250,000 or more; allows state to aggregate value of property stolen into single count if the conduct arose from a common scheme; and changes venue for all offenses graded by value. Amends TCA Title 39, Chapter 14, Part 1.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting subdivision (b)(2) from the amendatory language of Section 1 and by substituting instead the following:

(2) The monetary value of property from multiple criminal acts which are charged in a single count of theft of property shall be aggregated to establish value under this section.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2606**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 1325, AS AMENDED**

Senator Johnson moved that **Senate Bill No. 1325**, as amended, be moved five places down on Calendar No. 2 for today, which motion prevailed.

**Senate Bill No. 2711** -- Victims' Rights -- As introduced, increases from \$1.00 to \$4.00, effective July 1, 2012, the litigation tax collected for deposit in the statewide automated victim information and notification system fund. Amends TCA Title 40, Chapter 38 and Title 67, Chapter 4, Part 6.

On motion, Senate Bill No. 2711 was made to conform with **House Bill No. 3673**.

On motion, House Bill No. 3673, on same subject, was substituted for Senate Bill No. 2711.



Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-602, is amended by adding the following to the end of subdivision (h)(1):

Effective July 1, 2012, the privilege tax on litigation imposed by this subdivision (h)(1) is increased in the amount of two dollars (\$2.00), for a total of three dollars (\$3.00), which shall be deposited to the statewide automated victim information and notification system fund created by this subdivision (h)(2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3673**, as amended, passed its third and final consideration by the following vote:

Ayes .....	27
Noes .....	3

Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Herron, Johnson, Kelsey, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Campfield, Haynes and Henry--3.

A motion to reconsider was tabled.

**Senate Bill No. 2759** -- Animal Cruelty and Abuse -- As introduced, creates Class E felony of aggravated cruelty to livestock, which is intentionally engaging in specified conduct in a depraved and sadistic manner that results in serious bodily injury or death to the animal and is done without lawful or legitimate purpose. Amends TCA Title 39, Chapter 14, Part 2.

Senator Beavers moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting subsection (a) from Section 39-14-216 of the amendatory language of Section 1 and substituting instead the following:

(a) As used in this section only, "livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, and goats.

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On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2759**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3839. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 2 and 3. The Speaker appointed a Conference Committee composed of Representatives Sargent, Harrison, Alexander, McCormick, Mike Turner and Fitzhugh to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 3839.

JOE MCCORD,  
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 3839**

The Speaker announced the appointment of a Conference Committee composed of Senators McNally, Chairperson; Finney, Ketron, Kyle, Norris and Watson to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 3839.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3835. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 18, 4, 5, 6 and 7. The Speaker appointed a Conference Committee composed of Representatives Sargent, Harrison, Alexander, McCormick, Mike Turner and Fitzhugh to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 3835.

JOE MCCORD,  
Chief Clerk.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE  
ON  
HOUSE BILL NO. 3835**

The Speaker announced the appointment of a Conference Committee composed of Senators McNally, Chairperson; Finney, Ketron, Kyle, Norris and Watson to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 3835.

**CALENDAR NO. 2**

**Senate Bill No. 2780** -- Criminal Procedure -- As introduced, increases expunction fee following the successful completion of diversion programs. Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35.

On motion, Senate Bill No. 2780 was made to conform with **House Bill No. 2774**.

On motion, House Bill No. 2774, on same subject, was substituted for Senate Bill No. 2780.

Senator Beavers moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting from subdivision (2)(A) of the amendatory language of Section 3, as amended, the language "two hundred dollar (\$200) fee" and substituting instead the language "three hundred fifty dollar (\$350) fee".

AND FURTHER AMEND by deleting from subdivision (2)(C) of the amendatory language of Section 3, as amended, the language "two hundred dollar (\$200) fee" and by substituting instead the language "three hundred fifty dollar (\$350) fee".

AND FURTHER AMEND by deleting from subdivision (2) of the amendatory language of Section 4, as amended, the language "two hundred dollar (\$200) fee" and by substituting instead the language "three hundred fifty dollar (\$350) fee".

On motion, Amendment No. 2 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the language "to the clerk of the court" in the amendatory language of subsection (e) of Section 2 and by substituting instead the language "to the bureau".

AND FURTHER AMEND by deleting the effective date section in its entirety and by substituting instead the following:

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SECTION 5. This act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2774**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 24  
Noes . . . . . 4

Senators voting aye were: Bell, Burks, Crowe, Finney, Ford, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Barnes, Berke, Herron and Marrero--4.

A motion to reconsider was tabled.

**Senate Bill No. 2863** -- Taxes, Exemption and Credits -- As introduced, authorizes property tax relief for spouses of veterans whose deaths resulted from being deployed in support of peace operations. Amends TCA Section 67-5-704.

**Senate Bill No. 2863** passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2886** -- Fees -- As introduced, clarifies provisions regarding forfeitures of a cash bond or other surety as the result of a municipal traffic violation being transmitted to the TBI. Amends TCA Title 6, Chapter 54; Title 7, Chapter 3 and Title 38, Chapter 6, Part 1.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the word "director" in the amendatory language of § 6-54-140(d) of Section 2 of the printed bill and by substituting instead the words "director of the Tennessee Bureau of Investigation".

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AND FURTHER AMEND by deleting the word "director" in the amendatory language of § 7-3-316(d) of Section 3 of the printed bill and by substituting instead the words "director of the Tennessee Bureau of Investigation".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2886**, as amended, passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --29.

A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 1325, AS AMENDED**

Senator Johnson moved that **Senate Bill No. 1325**, as amended, be moved three places down on Calendar No. 2 for today, which motion prevailed.

**MR. SPEAKER RAMSEY RELINQUISHES CHAIR**

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

**Senate Bill No. 2913** -- DUI Offenses -- As introduced, requires judge to order use of functioning ignition interlock system if judge grants application for a restricted license following an implied consent violation for refusing to take alcohol test. Amends TCA Title 55, Chapter 10, Part 4.

On motion, Senate Bill No. 2913 was made to conform with **House Bill No. 2749**.

On motion, House Bill No. 2749, on same subject, was substituted for Senate Bill No. 2913.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting the directory language of Section 1 and by substituting instead the following:

Tennessee Code Annotated, Section 55-10-406(c), is amended by adding the following language, to be designated as a new subdivision (3):

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2749**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 29  
Noes ..... 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--29.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

**Senate Bill No. 3155** -- Education -- As introduced, requires standardized testing of K-2 students in schools in the achievement school district or in schools feeding into schools in the achievement school district to determine how to best target student learning needs and if any learning disparities exist. Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6.

Senator Gresham moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-614, is amended by adding the following language as a new, appropriately designated subsection:

( ) The Department of Education shall establish within the school system with the most schools operated by the achievement school district (ASD) a four-year pilot program of assessment of kindergarten students. The pilot program shall begin with the 2012-2013 school year. Students entering kindergarten in such system in schools operated by the ASD shall be assessed by an appropriate standardized test or tests. The test shall measure the present educational levels of the students to determine how instruction should be targeted to best meet the learning needs of the students and to eliminate disparities in learning backgrounds, if any.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3155**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 27  
Noes ..... 0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Faulk, Ford, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

A motion to reconsider was tabled.

**MR. SPEAKER RAMSEY RESUMES CHAIR**

Mr. Speaker Ramsey resumed the Chair.

Mr. Speaker Ramsey moved that **Senate Bill No. 3170** be placed at the heel of Calendar No. 2 for today, which motion prevailed.

**MOTION**

Senator Faulk moved that the Local Bill Calendar be considered next, out of order, which motion prevailed.

**MOTION**

Senator Faulk moved that Rule 19 and Rule 38 be suspended for the purpose of making and considering the Local Calendar consisting of the following bills: **Senate Bills Nos. 3802, 3805, 3811, 3812 and 3815**, which motion prevailed.

**LOCAL BILL**  
**CONSENT CALENDAR**

**Senate Bill No. 3802** -- Taxes, Hotel / Motel -- As introduced, subject to local approval, creates Tourism Board for Blount County, Alcoa and Maryville and allocates portion of the Blount County occupancy tax to such board. Amends Chapter 102 of the Private Acts of 1979; as amended.

On motion, Senate Bill No. 3802 was made to conform with **House Bill No. 3874**.

On motion, House Bill No. 3874, on same subject, was substituted for Senate Bill No. 3802.

**Senate Bill No. 3805** -- Spencer -- As introduced, subject to local approval, moves the city election to coincide with the November general election beginning in 2014; extends the four-year terms of office of officials elected in the May, 2009, election to the first Tuesday in November, 2014, and the terms of officials elected in the May, 2011, election to the first Tuesday in November, 2016. Amends Chapter 179 of the Private Acts of 1923; as amended.

On motion, Senate Bill No. 3805 was made to conform with **House Bill No. 3877**.

On motion, House Bill No. 3877, on same subject, was substituted for Senate Bill No. 3805.

**Senate Bill No. 3811** -- Bluff City -- As introduced, subject to local approval, revises method for filling vacancies on board of mayor and aldermen; allows for recall elections of mayor and aldermen. Amends Chapter 24 of the Private Acts of 1997; as amended.

On motion, Senate Bill No. 3811 was made to conform with **House Bill No. 3882**.

On motion, House Bill No. 3882, on same subject, was substituted for Senate Bill No. 3811.

**Senate Bill No. 3812** -- Scotts Hill -- As introduced, subject to local approval, sets 30-day residency requirement to vote in the municipal election; authorizes property rights voting limited to one person per parcel. Amends Chapter 105 of the Private Acts of 2004.

On motion, Senate Bill No. 3812 was made to conform with **House Bill No. 3881**.

On motion, House Bill No. 3881, on same subject, was substituted for Senate Bill No. 3812.

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**Senate Bill No. 3815** -- Clarksville -- As introduced, subject to local approval, rewrites the charter. Amends Chapter 252 of the Private Acts of 1929; as amended.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	28
Noes .....	0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Faulk, Ford, Gresham, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

**MOTION**

Senator Marrero moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Resolution No. 138**, out of order, which motion prevailed.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution No. 138** by Senator Marrero.  
Memorials, Recognition -- Kenneth Douglas.

On motion of Senator Marrero, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 138** was adopted.

A motion to reconsider was tabled.

**CALENDAR NO. 2**

**FURTHER ACTION ON SENATE BILL NO. 1325, AS AMENDED**

Senator Johnson moved that **Senate Bill No. 1325**, as amended, be placed on the Calendar for Monday, April 30, 2012, which motion prevailed.

**Senate Bill No. 3314** -- Taxes, Litigation -- As introduced, imposes additional \$2.00 litigation tax on criminal charges instituted in general sessions court; creates judicial commissioner continuing education account; subject to appropriation, authorizes monies in fund to be utilized for development and presentation of continuing education programs. Amends TCA Section 40-1-111 and Title 67, Chapter 4, Part 6.

On motion, Senate Bill No. 3314 was made to conform with **House Bill No. 3604**.

On motion, House Bill No. 3604, on same subject, was substituted for Senate Bill No. 3314.

Senator Beavers moved to amend as follows:



**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111(f), is amended by adding the following language as new subdivision:

(7) Subject to appropriation, funds from the judicial commissioner continuing education account, created in § 67-4-602(k), shall be used by the judicial commissioners association of Tennessee for the development and presentation of continuing education programs, courses and conferences for judicial commissioners in this state.

SECTION 2. Tennessee Code Annotated, Section 67-4-602, is amended by deleting subsection (k) and by substituting instead the following:

(k)(1) In addition to any other tax imposed by this chapter, there is levied a privilege tax on litigation of two dollars (\$2.00) on all criminal charges, upon conviction or by order, instituted in the general sessions court of any county served by a judicial commissioner.

(2)(A) There is created a special account in the state treasury to be known as the judicial commissioner continuing education account, referred to as the judicial commissioner fund in this subsection (k).

(B) Notwithstanding the apportionment of revenue formula in § 67-4-606, there shall be deposited in the judicial commissioner fund proceeds from the two-dollar privilege tax on litigation imposed by subdivision (k)(1).

(3) Monies in the judicial commissioner fund may be invested by the state treasurer in accordance with § 9-4-603.

(4) Notwithstanding any law to the contrary, interest accruing on investments and deposits of the judicial commissioner fund shall be credited to the fund, shall not revert to the general fund and shall be carried forward into the subsequent fiscal year.

(5) Any balance remaining unexpended at the end of a fiscal year in the judicial commissioner fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(6) Monies in the judicial commissioner fund may be expended only in accordance with annual appropriations approved by the general assembly for the purposes described in § 40-1-111(f)(7).

(l) Every person from whom the clerks of the various courts are required to collect the tax imposed by this section shall be liable for the tax imposed by this section.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Senator Roberts moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in counties having a population of not less than 66,200 nor more than 66,300 according to the 2010 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3604**, as amended, passed its third and final consideration by the following vote:

Ayes .....	18
Noes .....	8
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Burks, Faulk, Gresham, Johnson, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson and Yager--18.

Senators voting no were: Berke, Finney, Ford, Henry, Herron, Kelsey, Kyle and Marrero--8.

Senator present and not voting was: Bell--1.

A motion to reconsider was tabled.

Senator Kelsey moved that **Senate Bill No. 3405** be moved three places down on Calendar No. 2 for today, which motion prevailed.

**Senate Bill No. 3315** -- Workers' Compensation -- As introduced, extends time period for advisory council on workers' compensation to provide specified information to the general assembly from 10 days to 14 days. Amends TCA Title 29; Title 50, Chapter 6 and Title 56.

Senator Johson moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, § 50-6-102(17), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(17) "Utilization review" means evaluation of the necessity, appropriateness, efficiency and quality of medical care services, including the prescribing of one (1) or more Schedule II, III, or IV controlled substances for pain management for a period of time exceeding ninety (90) days from the initial prescription of such controlled substances, provided to an injured or disabled employee based on medically accepted standards and an objective evaluation of those services provided; provided, that "utilization review" does not include the establishment of approved payment levels, a review of medical charges or fees, or an initial evaluation of an injured or disabled employee by a physician specializing in pain management;

SECTION 2. Tennessee Code Annotated, Section 50-6-124, is amended by adding the following language as a new subsection (f):

(f) It is the intent of the general assembly to ensure the availability of quality medical care services for injured and disabled employees and to manage medical costs in workers' compensation matters by eradicating prescription drug abuse through the employment of the system established by subsection (a) to review any healthcare provider prescribing one (1) or more Schedule II, III, or IV controlled substances for pain management to an injured or disabled employee for a period of time exceeding ninety (90) days from the initial prescription of such controlled substances.

SECTION 3. Tennessee Code Annotated, § 50-6-204, is amended by adding the following language as a new, appropriately designated subsection:

( ) (1) If a treating physician determines that pain is persisting for an injured or disabled employee beyond an expected period for healing, the treating physician may either prescribe, if the physician is a qualified physician as defined in subdivision ( ) (2)(B), or refer, such injured or disabled employee for pain management encompassing pharmacological, non-pharmacological and other approaches to manage chronic pain.

(2)(A) In the event that a treating physician refers an injured or disabled employee for pain management, the employee is entitled to a panel of qualified physicians as provided in subdivision (a)(4) except that, in light of the variation in availability of qualified pain management resources across the state, if the office of each qualified physician listed on the panel is located not more than one hundred seventy-five (175) miles from the injured or disabled employee's residence or place of employment, then the community requirement of subdivision (a)(4) shall not apply for the purposes of pain management.

(B) For the purposes of the panel required by subdivision ( ) (2)(A), "qualified physician" shall mean an individual licensed to practice medicine or osteopathy in this state and:

(i) Board certified in anesthesiology, neurological surgery, orthopedic surgery, radiology or physical medicine and rehabilitation through the:

(a) American Board of Medical Specialties (ABMS);

(b) American Osteopathic Association (AOA); or

(c) Another organization authorized by the commissioner;

(ii) Board certified by an organization listed in subdivision (2)(B)(i)(a)-(c) in a specialty other than a specialty listed in subdivision (2)(B)(i) and who has completed an ABMS or AOA subspecialty board in pain medicine, or completed an Accreditation Council for Graduate Medical Education (ACGMA) accredited pain fellowship; or

(iii) Serving as a clinical instructor in pain management at an accredited Tennessee medical training program.

(3) The injured or disabled employee is not entitled to a second opinion on the issue of impairment, diagnosis or prescribed treatment relating to pain management. However, on no more than one (1) occasion, if the injured or disabled employee submits a request in writing to the employer stating that the prescribed pain management fails to meet medically accepted standards, then the employer shall initiate and participate in utilization review as provided in this chapter for the limited purpose of determining whether the prescribed pain management meets medically accepted standards.

(4)(A) As a condition of receiving pain management that requires prescribing Schedule II, III, or IV controlled substances, the injured or disabled employee may sign a formal written agreement with the physician prescribing the Schedule II, III, or IV controlled substances acknowledging the conditions under which the injured or disabled employee may continue to be prescribed Schedule II, III, or IV controlled substances and agreeing to comply with such conditions.

(B) If the injured or disabled employee violates any of the conditions of the agreement on more than one (1) occasion, then:

(i) The employee's right to pain management through the prescription of Schedule II, III, or IV controlled substances under this chapter shall be terminated and the injured or disabled employee shall no longer be entitled under this chapter to the prescription of such substances for the management of pain;

(ii) For injuries occurring on or after July 1, 2012, the violation shall be deemed to be misconduct connected with the employee's employment for purposes of § 50-6-241(d); and

(iii) For injuries occurring on or after July 1, 2012, in the event such violation occurs prior to a finding that the injured or disabled employee is totally disabled as provided in § 50-6-207(4), through either a judgment or decree entered by a court

following a workers' compensation trial or a settlement agreement approved pursuant to § 50-6-206, the incapacity to work due to lack of pain management shall not be considered when determining whether the injured employee is entitled to permanent total disability benefits as provided in § 50-6-207(4).

(C) A physician may disclose the employee's violation of the formal written agreement on the physician's own initiative. Upon request of the employer, a physician shall disclose the employee's violation of the formal written agreement as provided in this section.

(D) The formal written agreement shall include a notice to the employee in capitalized, conspicuous lettering on the face of the agreement the consequences for violating the terms of the agreement as provided for in this subsection ( ).

(E)(i) If an employer terminates an injured or disabled employee's right under this chapter to pain management through the prescription of Schedule II, III, or IV controlled substances pursuant to alleged violations of the formal agreement as provided in subdivision ( )(4)(B), then the employee may either file a:

(a) Request for assistance pursuant to § 50-6-238, if the benefit review conference requirement has not been exhausted, and a workers' compensation specialist shall determine whether such violations occurred; or

(b) Petition in a court of proper jurisdiction as provided in § 50-6-225, if the benefit review conference requirement has been exhausted, for a determination of whether such violations occurred.

(ii) If an employer or insurer alleges that an injured or disabled employee is not entitled to reconsideration under § 50-6-241(d) or permanent total disability benefits as provided in § 50-6-207(4) because of the employee's alleged violations of the formal agreement as provided in subdivision ( )(4)(B), then a court shall also determine whether such violations occurred.

(5) Prescribing one (1) or more Schedule II, III, or IV controlled substances for pain management treatment of an injured or disabled employee for a period of time exceeding ninety (90) days from the initial prescription of any such controlled substances is considered to be medical care services for the purposes of utilization review as provided in this chapter. The department is authorized to impose a fee for the administration of an appeal process for utilization review under this subdivision ( )(5) and subdivision ( )(3).

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to pain management, including the prescription of Schedule II, III, or IV controlled substances, prescribed on or after such date.

On motion, Amendment No. 2 was adopted.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Senator Johnson moved that **Senate Bill No. 3315**, as amended, be moved two places down on Calendar No. 2 for today, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 3507** be placed on the Calendar for Monday, April 30, 2012, which motion prevailed.

Senator Tate moved that **Senate Bill No. 3520** be placed on the Calendar for Monday, April 30, 2012, which motion prevailed.

**FURTHER ACTION ON SENATE BILL NO. 3315, AS AMENDED**

Mr. Speaker Ramsey moved that **Senate Bill No. 3315**, as amended, be moved three places down on Calendar No. 2 for today, which motion prevailed.

Senator Kelsey moved that **Senate Bill No. 3405** be moved three places down on Calendar No. 2 for today, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 3603** be placed on the Calendar for Monday, April 30, 2012, which motion prevailed.

**Senate Bill No. 3745** -- Public Health -- As introduced, requires the Department of Health to develop and implement a program to provide colorectal cancer screenings for uninsured individuals between ages 50 and 64 and for any other uninsured individuals determined to be at high risk for developing colon cancer; requires health insurance companies to cover colorectal cancer screenings. Amends TCA Title 56 and Title 68.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. (a) There is hereby created a special joint committee to study the impact of colon cancer on this state focusing on prevention, early detection, and treatment. The goal of the study is to recommend policy changes based on current science to reduce the incidence of colon cancer and thereby prevent suffering and mortality arising from such disease.

(b) Subjects to be addressed by the committee include, but are not limited to:

- (1) The prevalence of colon cancer in this state;
- (2) The economic, social, and individual impact of colon cancer on this state;
- (3) The availability of insurance coverage for colon cancer prevention and treatment and the potential impact of recent changes in federal law on such availability;
- (4) The adequacy of access to colon cancer screening facilities in this state, particularly for uninsured or underserved citizens of this state, and the potential impact of recent changes in federal law on such access; and
- (5) The need for a "safety net" colon cancer screening program in this state.

SECTION 2. (a) The special joint committee shall consist of twelve (12) members as follows:

- (1) One (1) member of the Health and Human Resources Committee of the House of Representatives and one (1) member of the Health and Welfare Committee of the Senate, to be appointed by the respective speakers;
- (2) The Commissioner of Health, or the commissioner's designee;
- (3) The Commissioner of Commerce and Insurance, or the commissioner's designee;
- (4) The deputy Commissioner of Healthcare Finance and Administration, Department of Finance and Administration, or the deputy commissioner's designee;
- (5) The state epidemiologist;
- (6) One (1) member to be appointed by the American Cancer Society;
- (7) One (1) member to be appointed by the Tennessee Comprehensive Cancer Control Coalition;
- (8) One (1) member to be appointed by the Tennessee Society for Gastroenterology and Endoscopy;
- (9) One (1) member to be appointed by the Tennessee Primary Care Association;
- (10) One (1) member, to be appointed by the governor, who is a representative of TennCare managed care organizations; and
- (11) One (1) member to be appointed by the governor to represent the commercial health insurance industry.

(b) Appointments shall occur on or before July 1, 2012 and shall be made to reflect the broadest possible representation of Tennessee citizens.

SECTION 3. All legislative members of the special joint committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

SECTION 4. The non-legislative members shall not receive compensation for serving on the committee but shall be reimbursed for attendance at meetings in accordance with the comprehensive travel regulations promulgated by the Commissioner of Finance and Administration and approved by the attorney general.

SECTION 5. The committee shall be convened and co-chaired by the appointed members of the general assembly and at its first meeting shall elect such additional officers as the committee deems necessary.

SECTION 6. At the request of the committee, the various agencies and entities of state government shall assist the committee in the performance of its duties.

SECTION 7. The special joint committee shall timely report its findings and recommendations to the general assembly by January 1, 2013, including any proposed legislation, at which time the committee shall cease to exist.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 4 of the bill as amended and by substituting instead the following:

SECTION 4. The members shall not receive compensation for serving on the committee and shall not be reimbursed for attendance at meetings.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3745**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 30  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.



A motion to reconsider was tabled.

**FURTHER ACTION ON SENATE BILL NO. 3315, AS AMENDED**

Thereupon, **Senate Bill No. 3315**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 27  
Noes . . . . . 3

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators voting no were: Berke, Herron and Marrero--3.

A motion to reconsider was tabled.

**Senate Bill No. 3405** -- Human Rights Commission -- As introduced, provides that the commission cannot find an individual employee guilty of a human rights violation if the employer was found to have committed a violation. Amends TCA Section 4-21-301.

Senator Kelsey moved that Amendment No. 1 be placed at the heel of the Amendments, which motion prevailed.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to all actions accruing on or after that date.

On motion, Amendment No. 2 was adopted.

On motion of Senator Kelsey, Amendment No. 1 was withdrawn.

Senator Kelsey moved that **Senate Bill No. 3405**, as amended, be placed on the Calendar for Monday, April 30, 2012, which motion prevailed.

Senator Norris moved that **Senate Bill No. 3770** be placed on the Calendar for Monday, April 30, 2012, which motion prevailed.

**MOTION**

Senator Kyle moved that **Senate Joint Resolution No. 920** be considered next, out of order, which motion prevailed.

**CALENDAR NO. 2**

**Senate Joint Resolution No. 920** -- Memorials, Congress -- Urges Congress to keep student loan interest rates low.

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Senator Yager declared Rule 13 on **Senate Joint Resolution No. 920**.

Senator McNally moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the language "and pass the Student Loan Affordability Act (H.R. 3826/S. 2051)" in the first resolving clause.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 920**, as amended, was adopted by the following vote:

Ayes . . . . .	21
Noes . . . . .	3
Present, not voting . . .	6

Senators voting aye were: Bell, Berke, Burks, Faulk, Finney, Ford, Harper, Herron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Johnson, Ketron and Tracy--3.

Senators present and not voting were: Barnes, Campfield, Gresham, Henry, Kelsey and Summerville--6.

A motion to reconsider was tabled.

**NOTICES**

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 420, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1878, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**FRIDAY, APRIL 27, 2012 -- 79TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2633, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2735, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1105. The House adopted the Conference Committee Report and made it the action of the House.

JOE MCCORD,  
Chief Clerk.

**MOTION**

On motion of Senators Burks and Ford, their names were added as sponsors of **Senate Bill No. 720**.

On motion of Senator Roberts, his name was added as sponsor of **Senate Bills Nos. 1325 and 3324; and House Joint Resolutions Nos. 1074, 1076, 1077, 1078, 1079, 1080, 1131 and 1132**.

On motion of Senators Crowe and Ketron, their names were added as sponsors of **Senate Bill No. 2066**.

On motion of Senators Burks and Yager, their names were added as sponsors of **Senate Bill No. 2368**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2370, 2438, 2606 and 3603**.

On motion of Senators Burks, Ford and Yager, their names were added as sponsors of **Senate Bill No. 2371**.

On motion of Senators Burks, Marrero and Stewart, their names were added as sponsors of **Senate Bill No. 2711**.

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On motion of Senators Ford, Gresham, Harper, Marrero, Massey, Overbey, Yager and Summerville, their names were added as sponsors of **Senate Bill No. 2759**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bills Nos. 2809 and 2922; and House Joint Resolutions Nos. 1067 and 1071**.

On motion of Senators Burks, Crowe, Ford and Herron, their names were added as sponsors of **Senate Bill No. 2863**.

On motion of Senators Bell and Burks, their names were added as sponsors of **Senate Bill No. 2913**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 1804, 3170 and 3745; and House Joint Resolutions Nos. 1084, 1085, 1086, 1087, 1091, 1094, 1095, 1096, 1097, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128 and 1129**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 3520**.

On motion of Senators Campfield, Gresham, Johnson, Roberts, Summerville, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 3762**.

On motion of Senators Campfield, Gresham, Johnson, Roberts, Southerland, Summerville, Tracy and Watson, their names were added as sponsors of **Senate Bill No. 3763**.

On motion of Senators Ford and Stewart, their names were added as sponsors of **Senate Joint Resolution No. 920**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 922**.

On motion of Senator Henry, his name was added as sponsor of **Senate Resolution No. 134**.

On motion of Senators Faulk, Henry and Herron, their names were added as sponsors of **Senate Resolution No. 135**.

On motion of Senators Ford, Kelsey, Kyle, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Resolution No. 138**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolutions Nos. 597 and 1092**.

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolution No. 623**.

On motion of Senator Bell, his name was added as sponsor of **House Joint Resolution No. 713**.

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On motion of Senator Marrero, her name was added as sponsor of **House Joint Resolutions Nos. 1058 and 1134.**

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 1068 and 1111.**

On motion of Senators Harper, Henry and Herron, their names were added as sponsors of **House Joint Resolution No. 1070.**

On motion of Senators Marrero, Ford, Kelsey, Kyle, Norris, Tate, Berke, Herron and Overbey, their names were added as sponsors of **House Joint Resolution No. 1072.**

On motion of Senators Finney, Henry and Herron, their names were added as sponsors of **House Joint Resolution No. 1073.**

On motion of Senators Herron and Roberts, their names were added as sponsors of **House Joint Resolution No. 1075.**

On motion of Senators Harper and Kelsey, their names were added as sponsors of **House Joint Resolution No. 1082.**

On motion of Senators Ford, Herron and Kyle, their names were added as sponsors of **House Joint Resolution No. 1083.**

On motion of Senators Marrero and Ford, their names were added as sponsors of **House Joint Resolutions Nos. 1088, 1089, 1098, 1118, 1119 and 1120.**

On motion of Senators Ford and Kyle, their names were added as sponsors of **House Joint Resolution No. 1090.**

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 1103, 1104, 1105 and 1106.**

On motion of Senators Barnes, Burks, Ford, Harper, Henry and Marrero, their names were added as sponsors of **House Joint Resolution No. 1107.**

On motion of Senator Massey, her name was added as sponsor of **House Joint Resolutions Nos. 1112 and 1113.**

On motion of Senators Berke, Ford and Harper, their names were added as sponsors of **House Joint Resolution No. 1117.**

On motion of Senators Berke, Finney, Henry, Herron, Marrero and Overbey, their names were added as sponsors of **House Joint Resolution No. 1130.**

On motion of Senators Bell and Massey, their names were added as sponsors of **House Joint Resolution No. 1133.**

On motion of Senator Berke, his name was added as sponsor of **House Joint Resolutions Nos. 1135, 1136, 1137, 1138 and 1140.**

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On motion of Senators Berke and Henry, their names were added as sponsors of **House Joint Resolution No. 1139**.

**ENGROSSED BILLS**

April 27, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2247, 2349, 2368, 2371, 2438, 2560, 2606, 2759, 2863, 2886, 3155, 3315, 3745 and 3815; and Senate Joint Resolutions Nos. 910, 912, 913, 915, 916, 917, 918, 920 and 921; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3119, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3604 and 3673, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 597, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1151, 1152, 1153 and 1154; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**FRIDAY, APRIL 27, 2012 -- 79TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1935, 2667, 2845, 3330, 3513 and 3596; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2253, 2895, 3207, 3458, 3653 and 3743; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2420, 2929 and 3535; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2809, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3503, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 526, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**FRIDAY, APRIL 27, 2012 -- 79TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 922, concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**ENROLLED BILLS**

April 27, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolution No. 710, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 599, 667, 734, 742, 743, 844, 890, 933, 936, 988, 989, 990, 991, 992, 993, 994, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065 and 1066; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 623, 713, 744, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

April 27, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 68, 74, 668, 2156, 2179, 2190, 2224, 2271, 2289, 2407, 2416, 2519, 2607, 2617, 2712, 2719, 2727, 2776, 2789, 2911, 2920, 2988, 3023, 3044, 3061, 3096, 3195, 3216, 3241, 3262, 3331, 3358, 3594, 3629, 3642, 3644, 3652, 3655, 3700, 3759, 3798 and 3810.



**FRIDAY, APRIL 27, 2012 -- 79TH LEGISLATIVE DAY**

**SIGNED**

April 27, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 360 and 629.

**MESSAGE FROM THE HOUSE**

April 27, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 360 and 629, signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 1:00 p.m., Monday, April 30, 2012, which motion prevailed.